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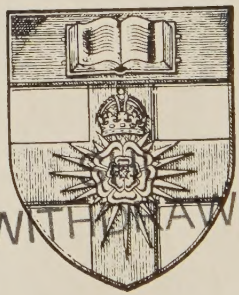

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

Delivered 9 February 1939

By Professor F. M. Stenton, M.A., D.Litt., Litt.D., F.B.A.

The Historical Bearing of Place-Name Studies: the English Occupation of Southern Britain

There are three main questions relating to the first phase of English history on which the evidence supplied by place-names may be expected to throw a faint ray of light. On the first of them—the fate of the native inhabitants of southern Britain—I offered a few suggestions to the Society in my presidential address last year. I propose this evening to confine myself to place-names of English origin, and to consider them in relation to the two fundamental problems which remain—the credibility of Bede's analysis of the English peoples, and the general chronology of the English conquest.[1]

No passage in the whole of Bede's writing is more familiar or of greater interest than his discussion of English racial origins. In a sentence which has formed the starting-point of every inquiry into the continental pre-history of the English race, Bede states that three of the strongest

[1] This year, as last, while taking sole responsibility for the opinions expressed in my address, I wish to express my thanks to Sir Allen Mawer for reading the typescript, and for many valuable suggestions.

peoples of Germany—the Saxons, Angles, and *Iutae*—took part in the invasion of Britain.[1] He brings the Saxons to Britain, no doubt correctly, from the district in north-western Germany which in his day was occupied by their remote kinsmen, the ' Old Saxons ' of the continent.[2] He places the continental Angles in a country called ' Angulus ', which can safely be identified with the district of Angeln in Schleswig. But his statement that this country lay between the ' provinces ' of the *Iutae* and the Saxons has given rise to interminable discussion, for it implies that he saw a connexion between the name of the *Iutae* and the tribal name which is still preserved in the compound Jutland. After more than two generations of highly technical controversy, it is still uncertain whether he was correct in this opinion. Linguistically, the identification is perhaps not wholly impossible. But it is desirable to keep the question of the original homeland of the ' Jutes ' distinct from the independent question of the district from which the *Iutae*, or some of them, migrated to Britain, and there are facts which suggest that in the Migration Age they belonged to the west rather than the north of the Germanic world. In the sixth century, the Jutes who had remained on the continent were claimed as subjects by Frankish kings who can have had no power and little interest in Jutland.[3] The remarkable marriage of a daughter of the king of Paris to Ethelbert of Kent is best explained as an attempt to bring the insular Jutes within a circle of dependent peoples which already included the continental members of their race. If it should ever be proved that the

[1] Bede, *Historia Ecclesiastica*, i, 15.

[2] As a sea-faring people, the Old Saxons of the eighth century were overshadowed by their western neighbours, the Frisians, but they possessed the coastlands between the Weser and the Elbe where the Saxons of the Migration Age seem to have been most closely congregated.

[3] Notably, in a famous letter by Theodbert king of the Franks to the emperor Justinian, which is strictly contemporary with Procopius. The letter also shows that the continental Jutes and Saxons of this period were closely associated with each other. See H. M. Chadwick, *Origin of the English Nation*, 97–8.

distinctive furniture of heathen Kentish burial-grounds represents the culture of the Jutes at the time of their migration, it will follow that they had previously been living, if not in the Rhineland, at least in some neighbouring district. It is, no doubt, possible that they had moved to the confines of Frankish territory from the north in the course of the fifth century. But it is much more probable that in placing the Jutes in Jutland, Bede was misled by a chance resemblance between the names of two unrelated Germanic peoples.

Up to the present time, the study of English place-names has yielded few, if any, facts which bear directly on the question of the Jutish, Anglian, and Saxon home-lands. It is very unlikely that anything decisive will emerge from further inquiry. The mass-migrations of Germanic races which overthrew the Roman empire in the west were only the most extensive of a long series of movements which gradually created a new distribution of peoples within Germany itself. Local nomenclature, in this age of confusion, must have been essentially unstable. Names of villages and farms must have disappeared by the hundred as one tribe proceeded to occupy the territory which another had vacated. In some cases, a territory abandoned by its inhabitants may have lain deserted for many years before a new group of peoples brought it into cultivation again. The famous statement of Bede that the country called Angulus was still unoccupied when he was writing the *Historia Ecclesiastica* was probably derived at second hand from traders who knew little of the lands behind the coastline. But it certainly implies that in the eighth century the region was not possessed in force by any considerable tribe or nation. Under these conditions, it is not surprising that it has never yet been possible to trace the origin of a particular group of English place-names back to a particular district in north-west Germany or Scandinavia. It is not to the student of place-names but to the archaeologist that the historian must look for the

detailed correction or justification of Bede's account of English origins.

The results of place-name study can be applied more profitably to the criticism of the passage in which Bede enumerated the different English peoples descended, in his opinion, from each of the three invading races. In stating that the East, South, and West Saxons of his day were of Saxon origin, Bede was simply underlining what to him was obvious. He passed a little beyond the self-evident in attributing an Anglian descent to the Northumbrians and Mercians as well as to the East and Middle Angles, and he provided later scholars with the material for an endless debate in his assertion that the men of Kent, the Isle of Wight, and the opposite mainland were Jutes. On all grounds, this famous analysis clearly deserves to be taken seriously. If some of it represents nothing beyond a student's inference from the contemporary names of kingdoms, these names themselves must have been in agreement with popular tradition. It expresses the considered opinion of an eighth-century scholar who was controlled by an acute sense of the historian's duty towards his readers. It is a more important point that, like the *Historia Ecclesiastica* as a whole, this analysis comes to us with the commendation of a Northumbrian king who was well known for his interest in the history of the English people. There can be no question that king Ceolwulf, who had read and approved a preliminary copy of the History,[1] was acquainted with much heroic verse which has disappeared. A statement of historical fact which he passed for publication deserves the respect which any historian would give to a similar passage approved by king Alfred. On the other hand, the neatness of the analysis inevitably excites suspicion; it has been criticised at several points on archaeological grounds, and

[1] On this point, the opening sentence of Bede's preface is conclusive: *Historiam gentis Anglorum ecclesiasticam, quam nuper edideram, libentissime tibi desideranti, rex, et prius ad legendum ac probandum transmisi, et nunc ad transcribendum ac plenius ex tempore meditandum retransmitto.*

it is the work of a writer who lived more than two centuries after the English migration to Britain. It is certainly worth while to consider whether the evidence of English place-names supports its main outline.

Most students of place-names would probably agree that although Bede may have been correct in believing that several distinct peoples took part in the conquest of southern Britain, he has underestimated their number, and overstressed the difference between them. A number of English place-names, of which Swaffham is the best known, suggests that the Swaefas, the pre-migration neighbours of the Angles,[1] were represented among the invading tribes. At the middle of the sixth century, according to the contemporary Procopius, the Frisians were one of the most important peoples in Britain. Procopius seems to have derived his information about Britain from Frankish envoys to Constantinople, who are unlikely to have troubled themselves about such distinctions as may then have existed between the Frisians and their closely related Saxon neighbours. To a foreign observer, the Frisians and Saxons of this period must have appeared to be men of a common speech. Nevertheless, there is a small amount of definite place-name evidence for the presence of Frisian settlers in England at an early date. It does not turn on names like Friston or Frieston, which may have arisen at any time between the sixth and the tenth century, but on a number of words, unrecorded in written English but compounded in English place-names, for which the best continental parallels come from the remains of the Old Frisian language.[2] The most significant evidence comes from such names as Hengrave in Suffolk, which contains a word *grēd*, 'pasture', recorded in Frisian alone.[3] There is no reason

[1] *Widsith*, lines 43–4.

[2] Such as the Old English *roth*, 'clearing', which occurs in the place-names Rothwell and Rothley, and has been shown by Professor Ekwall to be an exact parallel to the Old Frisian *rothe*. See *Place-Names of Northamptonshire* (English Place-Name Society), 119.

[3] E. Ekwall, *Studies on English Place-Names* (Stockholm 1936), 174–5.

to think that any part of England was settled exclusively, or even chiefly, by migrants from Frisia. But it is by no means improbable that a considerable number of Frisians had been associated with the Angles, Saxons, and Jutes who had crossed to Britain in force in the generation preceding that of Procopius.

Even if these three races had been sharply distinguished from one another in language, it would still be hard to delimit their respective territories on the basis of place-name evidence. The precision with which Bede divides the leading English peoples of his day into three racial groups obscures the effects of inter-tribal migration. Long after these peoples had occupied the regions in which they are afterwards found, it was possible for part of a tribe to leave its own country, and found new settlements at a considerable distance from its original home. The place-name Englefield in Berkshire records an Anglian settlement in the Saxon country south of the Thames.[1] A Middle Anglian tribe called the Wixan, which seems to have lived in the eastern Midlands, threw off at least two bodies of colonists, of which one can be traced on the borders of Worcestershire and Warwickshire, and the other at Uxbridge in Middlesex.[2] The curious place-name Phepson in Worcestershire contains the name of another Middle Anglian tribe known as the Feppingas,[3] who come into history because the first bishop of the Mercians died among them.[4] The place-names Exton in south-eastern Hampshire [5] and Conderton in Worcestershire [6] record isolated settlements of East Saxons and Kentishmen. The name of Wichnor near Burton-on-Trent is almost certainly derived from a settlement founded by Hwicce from the Severn valley,[7]

[1] *Englafeld, Chronicle,* under 871.

[2] See E. Ekwall, *Oxford Dictionary of English Place-Names,* 466, 490.

[3] *Place-Names of Worcestershire* (English Place-Name Society), 137–8.

[4] Bede, *Historia Ecclesiastica,* iii, 21.

[5] *Æt East Seaxnatune, Cartularium Saxonicum,* 758. The grammatical structure of the name shows that it means ' East Saxons' village ', not, as has sometimes been supposed, ' eastern village of the (West) Saxons '.

[6] *Cantuaretun, Cart. Sax.,* 541. [7] Ekwall, *Oxford Dictionary,* 492.

and a man bearing the personal name Hwicce, who must have belonged to the same tribe, has left his name to Witchley Heath in Rutland.[1] It is, at least, highly probable that Repton in Derbyshire was founded by members of the northern tribe whose name survives in Ripon.[2] If such movements were as common as the evidence suggests, they must have led to much confusion of dialects.[3] It is also probable that there was originally a close resemblance between the peasant vocabularies of Anglian, Saxon, and Jutish England. There are, indeed, many words recorded only in place-names, which seem to be characteristic of Anglian, Saxon, or Jutish territory. In some cases, the distribution of these words may prove to have historical significance. But as place-name studies have advanced, and in particular, as ancient field-names have been investigated more closely, many words once regarded as peculiar to a single region have appeared in other, and often in distant parts of the country. The general result of recent work on the provincial vocabularies preserved in local names has certainly been to lessen rather than to emphasise their individuality.[4]

The same impression of a settlement carried out by a group of closely related peoples is given by the personal names which are contained in ancient English place-names. There is abundant evidence that the men of a particular region often showed a marked preference for some particular name or name-stem.[5] Some of these preferences may very well represent genuine racial tradition. But on the whole, the resemblances between the personal names

[1] O. S. Anderson, *The English Hundred-Names* (Lund 1934), 129–30.

[2] The connexion between the names is pointed out by Ekwall, *Oxford Dictionary*, xii, 367.

[3] In the same way, movements of this kind probably explain some of the worst complexities of Anglo-Saxon archaeology.

[4] For some facts which prevent an absolute generalisation on this subject, see below, p. 12.

[5] The stem *Mund*, for example, seems to have been unusually popular in East Anglia, where it formed the base of the personal names which underlie Mundham, Mendham, Mundesley, Mendlesham, and Mundford.

current in different parts of England are clearly more significant than the differences. Allowance should no doubt be made for the fact that any primitive individuality in the personal nomenclature of different races must soon have become blurred through intermarriage between one tribe and another, and through inter-tribal migration. Even so, the personal names preserved in the oldest English place-names have a general similarity which cannot easily be reconciled with any fundamental racial distinction between the various English peoples. An ancient personal name which is rare or otherwise unrecorded may well occur in place-names separated by nearly the whole length of England. So far as can be seen, Birling in Northumberland, Barlings in Lindsey, Barling in Essex, Birling in Kent, and Birling in Sussex all contain a personal name, Bærla, which seems to have become obsolete in pre-literary times. The relationship between the different English races is illustrated in another way by the occurrence in every part of England of certain names or name-stems which are rarely, if ever, found in Germany. More than nine columns of Searle's *Onomasticon Anglo-Saxonicum* are filled with personal names beginning with the element *cēol*, 'keel', or ship.[1] It was natural that a group of sea-faring peoples should use this word in the formation of personal names,[2] and examples of its employment occur in the place-names of most English shires. But it is hardly to be found in the personal names of the Germanic mainland.

Nevertheless, when all allowance has been made for these resemblances, there remains a definite impression that Bede's analysis may roughly correspond to the facts of the English settlement. Even without his statement that the men of Kent were of another race than the men of Sussex and Essex, the possibility of such a distinction

[1] Names were formed from this element by the West Saxon royal family in the sixth century. It was in use as a name-stem throughout the Old English period, and occurs as the first element in at least thirty different compound names, such as Ceolbald and Ceolwio.

[2] A. Hruschka, *Zur Angelsächsischen Namenforschung* (Prag 1885), 25.

would have begun to appear as soon as the place-names of those counties were studied in detail.[1] Words which are rarely, if ever, found elsewhere in England, occasional peculiarities of sound-development which must have arisen far back in the history of the Old English language, and a considerable number of personal names which are both archaic and unique, give a distinctive character to the place-names of Kent. According to tradition, Kent was the first part of Britain to pass into English occupation, and some of these features may be due to the early date of the Kentish settlement. The appearance of a loan-word from the Latin *faber* in the place-name Faversham [2] suggests that the first Teutonic settlers of Kent may have lived for some time in peaceful contact with a Romanised local population. But when the distinctive features of Kentish place-names are set beside the distinctive social structure of the Kentish kingdom and the individuality of the Kentish system of land-division, it becomes more than probable that they are due to the settlement of a people distinct in racial origin from any of its neighbours. To that extent, at least, place-names support the evidence of Bede.

But in regard to what is perhaps the most interesting detail of Bede's analysis, the confirmation which they supply is more definite. According to Bede, not only Kent, but the Isle of Wight and the south of Hampshire, were all regions of Jutish settlement.[3] Among the characteristic features of Kentish local nomenclature is a large number

[1] Materials for a comparison are contained in the English Place-Name Society's volumes on Sussex, Surrey, and Essex, and *Kentish Place-Names* and *The Place-Names of Kent* by J. K. Wallenberg (Uppsala 1931 and 1934).

[2] The earliest forms of the name are *Fefres hám*, 811 (*Cart. Sax.*, 335), and 812 (*ibid.*, 341), and *Febres ham*, 815 (*ibid.*, 353). Each of these charters is written in an early ninth-century hand.

[3] The Jutish occupation of southern Hampshire is proved by the statement of Florence of Worcester that the New Forest had the English name *Ytene*. The name represents the genitive plural of a tribal name *Yte*, a late Saxon form of the racial name which lies behind Bede's *Iutae*. See W. H. Stevenson, *Asser's Life of King Alfred*, 168–9.

of place-names consisting of a first element—a common noun, an adjective, or a personal name—followed by a particle *-ing*.[1] Some of them are names of settlements, others, of natural features, but in either case they are wholly distinct in structure and meaning from the more familiar plural names in *-ingas*, which were originally names of tribes, families, or other groups of human beings. Some of these names in *-ing*, such as Bletching and Kemsing, are preserved in forms representing the nominative case. In others, a locative case-ending has caused palatalisation of the final *g*, and produced such forms as Arpinge, Geddinge, and Ruckinge. Names of this type occur sporadically in most parts of England, and in view of their frequency in Kent, it is very remarkable that only one undoubted example has been found in Sussex,[2] and none in Surrey. The solitary instance of Brading proves that the type was known in the Isle of Wight, and at least six examples, of which Swaythling and Nursling are the best known, occur in early documents relating to southern Hampshire. The distribution of these names in Sussex and Hampshire confirms the historical tradition that these districts were occupied as a result of separate invasions,[3] and they support the somewhat inconclusive archaeological evidence in favour of Bede's statement that the men of southern Hampshire were of the same stock as the men of Kent.

There is one other district in which names of this type were common. In the north of Hampshire, only one example has been found. But beyond the Berkshire border, the name of Pinge Wood south of Reading is clearly a formation of the same kind, and between the Berkshire Downs and the upper Thames there occurs a series of these names which is as remarkable as the south Hampshire group itself. The place-names Wantage, Lockinge, and Ginge

[1] These names are discussed by Ekwall, *English Place-Names in -ing*, 1–22, 159–70.

[2] Namely, *Withering*, the old name of the estuary which formed Pagham harbour, in the extreme west of the county.

[3] Ekwall, *op. cit.*, 20.

were originally stream-names ending in the particle *-ing*,[1] Balking to the north-west of Wantage represents an original settlement-name formed with the same termination, a tributary of the Ock near Abingdon seems to have borne the name Lucring, and there was a wood called Ætheleahing in the immediate neighbourhood. The origin of these names is a difficult, but also an important question. As there is no evidence that such names were ever formed in Surrey, they cannot well have been introduced into Berkshire by settlers advancing up the Thames valley. It is very unlikely that they were created by settlers arriving from the north-east, for only a few scattered examples of the type occur in the whole region between the Wash and the Thames, and none has yet been found in east Oxfordshire or in Buckinghamshire.[2] It is in every way more probable that the Berkshire names in *-ing* arose among settlers who had entered the county from the south, under Cerdic, the traditional founder of the West Saxon dynasty, or one of his early successors.[3] And these names carry the further suggestion that although Cerdic and his men were presumably in the main of Saxon origin, they were accompanied or followed by allies from the Jutish country behind the Hampshire coast.

There are no particular types of place-name which can be regarded as especially characteristic of either Anglian or Saxon territory. It is, however, possible to suggest a few facts which are most easily explained on the assumption

[1] A stream called Mydeling, which seems to be another name of this type, is mentioned in two tenth-century charters relating to Drayton in Berkshire (*Cart. Sax.*, 1032 and 1058).

[2] Filkins, west of Bampton, seems to be a name of this kind. To the east of the Thames, no example has so far been found nearer than Pillinge in Wootton, five miles south of Bedford.

[3] The probability of a Saxon invasion of Berkshire from the south in the sixth century does not affect the interpretation of the archaeological evidence which suggests that bodies of Saxon settlers had previously made their way into the country up the Thames valley or from the north-east. A partial settlement of the county by a number of independent bands may well have preceded its intensive occupation under the leadership of the West Saxon king.

that the Angles and Saxons of Britain were, in fact, derived from two separate Germanic races. There can already be brought together a small group of words, common in Anglian England, which are rare or unknown in Saxon territory. The place-name Beeston, of which at least eight examples occur in Anglian country, seems to contain in nearly every case an unrecorded Old English word *beos*, meaning rough grass or herbage.[1] No trace of this word has so far been found in Essex, Sussex, Wessex, or Kent. An element *bel*, of uncertain meaning, has been suggested as the base of a considerable number of Anglian names, such as Belton and Belaugh,[2] but has not been observed in other parts of the country. Spalding in Lincolnshire, and several place-names in Yorkshire, Nottinghamshire, and Huntingdonshire, contain an element *spald*, from which the ancient Anglian tribe called the Spalde [3] obviously derived its name. The meaning of the element is unknown, and it does not seem to have belonged to the vocabulary of any other English people. Personal names were so easily transmitted from one tribe to another that there is little hope of proving the Anglian or Saxon origin of any particular name. But it was certainly an Anglian habit to form personal names from the common noun *weorc*, ' work ', and there are at present no Saxon or Jutish parallels to be set beside Wirksworth, Worksop, Worsall, Worsborough, and other midland or northern place-names of similar derivation.[4] There are other personal names, such as Cæg and Cæga, which are so much commoner in Anglian

[1] Ekwall, *Studies on English Place- and Personal Names* (Lund 1931), 54–8.
[2] Ekwall, *Studies on English Place-Names*, 159–63. [3] *Cart. Sax.*, 297.
[4] It is a theoretical possibility that some of these names may contain the Old English *weorc*, ' fortification '. But the genitival form in which this element occurs is strongly against this derivation, as is the fact that in most cases, to say the least, there is no obvious fortress from which the name might have arisen. The use of *weorc* in English personal-names is proved by the name ' Verca ' borne by a seventh-century Northumbrian abbess (Bede, *Prose Life of St. Cuthbert*, c. 35). Outside strictly Anglian territory, the name Weorc seems only to occur in the compound *Weorces mere* in the boundaries of Pershore, Worcestershire (*Cart. Sax.*, 1282)—a district of mingled Anglian and Saxon settlement.

territory than elsewhere that their Anglian origin becomes at least highly probable. It is by no means impossible that when the personal nomenclature of Anglian England is more completely known, it will show a certain number of distinctive features of significance for the historian who is concerned with English racial origins.

But a broad historical question can rarely, if ever, be decided merely on points of detail. If place-names give reason for believing that the Angles of Britain were distinct in origin from the Saxons and the Jutes, it is chiefly because of the general impression produced by the local nomenclature of Anglian England. As a whole, the place-names of the country which Bede assigns to the Angles are more difficult to interpret than are those of Jutish or Saxon regions. The difficulty does not lie so much in the occurrence of obsolete words and archaic personal names, which may be found in most parts of England, as in the large number of place-names for which it is hard to find an intelligible base of any sort.[1] Place-names for which no probable meaning can be suggested may be found here and there in the Saxon shires and in Kent, but they are certainly most numerous in Anglian territory. It is unlikely that further investigation will materially reduce their number, which means that it may never be possible to carry out a detailed comparison of the oldest strata in Anglian, Saxon, and Jutish local nomenclature. On the other hand, there may well be historical significance in the bare fact that an exceptional number of Anglian place-names contain elements for which it is difficult to find a convincing explanation in comparative material from the continent. It does not prove, but it certainly suggests, that the Angles may have come from some region which was left desolate after their departure.

[1] There is little to be learned from a mere list of unintelligible names, but Laughterton, Wakerley, Kettering, Threckingham, Panxworth, Misson, Poringland, Torksey, Baildon, and Cammeringham, may perhaps stand as a representative selection of these Anglian *cruces*.

Anyone who has tried to distinguish on place-name evidence between the regions of Anglian, Saxon, and Jutish settlement will probably feel that the result is a series of impressions rather than a body of ascertained fact. In regard to the chronology of the English conquest, place-name studies have already led to conclusions which are of obvious value to the historian. There is no longer any doubt that the numerous names ending in the plural termination *-ingas* which are characteristic of the eastern third of southern England form a series of which the earliest examples may well go back to the actual age of the English migration.[1] They are all names of communities, and they represent the conditions of a time when society was organised on a personal rather than a territorial or economic basis. In size, the group of persons covered by a single name of this type ranged from a tribe, such as the Hrōthingas of the Roding valley in Essex, or the Sunningas whose territory seems to have covered the whole of east Berkshire, to a community which cannot have been much larger than a single family or household. It is probable that some of the more important of these groups, such as the Hæstingas of east Sussex or the Hæppingas who have left their name to Happing hundred in east Norfolk, were tribes which had crossed in a body from the continent to Britain, and retained in their new environment their individuality and their ancient names. There is nothing to exclude the possibility that some of the many names in *-ingas* which denote villages or hamlets had been borne on the continent by the families or households which founded these settlements. But as a whole, these names

[1] These names have been discussed in detail by Professor Ekwall in his *English Place-Names in -ing* (Lund 1923)—the first large-scale monograph written on a particular type of English place-name. Since 1923 only a few fresh examples of the type have been discovered, and they do not affect its general distribution-pattern. The most interesting of these additions comes from a passage in the Gloucester cartulary which shows that the site of Ankezwyke hermitage near the Thames in Buckinghamshire had an earlier name, *Basingas*, identical with Basing in Hampshire (*Place-Names of Surrey*, xl).

more probably represent the re-grouping of the immigrants in the country which became theirs in the earliest phases of the invasion.

In either case, they give a most valuable indication of the extent to which the intensive colonisation of Britain had proceeded during this period. Their distribution suggests very strongly that the main force of the first invasions for settlement fell on the region now represented by Norfolk, Suffolk, Essex, Kent, and Sussex. Outside these counties, names of this type are distributed in isolated examples over the whole of the eastern Midlands, in Lincolnshire, and in eastern Yorkshire, but it is only in Surrey that there is any tendency towards their concentration. In Wessex, these names are curiously rare. There are only eight certain examples in the two counties of Berkshire and Hampshire which seem to have formed the nucleus of the West Saxon kingdom,[1] and three of them occur in the coastal districts which were originally settled, not by Saxons, but by Jutes. A map of England showing all the names in *-ingas* which can be identified, will certainly give the impression that the settlement of Wessex, the eastern provinces of Middle Anglia, Lindsey, and Deira began at least a generation later than that of Sussex, Kent, Essex, and East Anglia.

The archaeological evidence shows that this impression is too simple. Pottery and ornaments which indicate, or at the very least suggest, a fifth-century settlement have been discovered, not only in Sussex, Surrey, Kent, and East Anglia, but in Nottinghamshire, Lincolnshire, and the east and centre of Yorkshire. They occur in considerable numbers far up the valleys of the rivers which converge upon the Wash, and there is an especially convincing group of early sites in the north of

[1] Eling, Wymering, Hayling, Basing, and Worting, Hants; Sonning, Reading, and Wasing, Berks. Eling, Berks, is probably a place-name of the type described above, pp. 10, 11. Sonning is an ancient tribal name as, in all probability, is Reading. (*Introduction to the Survey of English Place-Names*, p. 50.)

Berkshire.[1] On the other hand, Essex, which contains more than twenty-five place-names in *-ingas*, has so far yielded no objects of early Saxon manufacture, and very few objects belonging to any part of the heathen Saxon age. It is clear that if the chronology of the English settlement is ever to be reconstructed, it will only be through the combination of archaeological and place-name evidence.[2] At the present time, the work of reconstruction is hampered by the uncertain date of much important archaeological material, and by the inevitable lack of precision in place-name chronology. But it can at least be said that the discovery of objects of fifth-century manufacture in the Midlands, where place-names in *-ingas* are very rare, emphasises the antiquity of the groups of these names which occur in the coastal shires from Norfolk to Sussex.

It is natural that place-names in *-ingas* should attract the especial attention of those who wish to use place-names for historical purposes. They form a well-defined group of names, which, as a whole, represent a very early phase in the evolution of English society. The fact that many of them are hard to explain only makes their great antiquity more evident. But it is necessary to remember that many names of other types may well be of almost equal age. There are, for example, innumerable cases in which the collective name of a group of persons, such as the Wealingas of Wallingford, the Wendlingas of Wellingborough, or the Wælsingas of Walsingham, is prefixed to a terminal indicating the exact place of its settlement. Names of this kind

[1] The distribution of such sites is shown on the map by Mr. J. N. L. Myres which follows his chapters on the English settlements in the *Oxford History of England*, vol. I. The archaeological evidence for the period is described in these chapters in a series of regional studies which are of the greatest value for the history of the English occupation.

[2] Thus, the early Anglian penetration of the Nene valley, proved by discoveries at Addington, which has yielded a spout-handled jug of fifth-century type, and by the very early cremation cemetery at Kettering, is further illustrated by a number of archaic place-names, such as Oundle, Irthlingborough, and Kettering itself. I have to thank Mr. Myres for my knowledge of the Kettering cemetery.

may have been formed for some few generations after the English conquest.[1] But many of them are derived from rare and ancient words, or from personal names which never occur in written English, and are obviously survivals from the Migration Age. Before any conclusions are drawn about the date at which a particular region passed into English occupation, it is essential to take such names as these into account.[2] It is probable that the next considerable advance in the approach to history through place-names will come through the further study of the material which names of this kind contain.

One example may perhaps serve to illustrate the necessity of taking a comprehensive view when drawing historical conclusions from place-names. One of the chief obstacles to the theory that the Saxon conquest of Berkshire was the result of a movement from the south is the fact that few place-names which are obviously early occur in central or northern Hampshire. Basing and Worting are the only names in *-ingas* in the whole country between Winchester and the Berkshire border. On the other hand, at the point overlooking the Enborne and Kennet valleys where the boundaries of Ashmansworth, Highclere, and Crux Easton meet, there once stood a barrow which in the eighth century was called Hythwaldan hlæw.[3] Hythwalda

[1] The examples of which Old English forms have survived are discussed by Sigurd Karlström, *Old English Compound Place-Names in -ing* (Uppsala 1927).

[2] The numerous names, found everywhere in England, which now end in *-ington* form a class apart, and raise special problems of interpretation. So far as can be seen, the great majority of them originally ended in *-ingtun*, not *ingatun*. *-ing* in these names seems to have a quasi-genitival force, and should not be regarded as an indication of group-settlement, still less as a criterion of early date. *Bynningtun*, for example, should be interpreted as ' Bynna's *tun* ', not ' *tun* of the Bynningas '.

[3] *Cart. Sax.*, 282, *Hythwaldan hlau*. The name occurs in a charter of Beorhtric king of Wessex (786–802). It is only preserved in a copy of *circa* 1200, but the boundaries are drawn up in a mixture of Latin and Anglo-Saxon which is characteristic of early West Saxon charters, and they obviously go back to an eighth-century original. The name reappears in a number of later Old English charters in shortened forms such as *Hyldan hlaw*, *Hildan hlew*, and *Hilda hlæw*. For the different forms of

is not a personal name, but an epithet like Bretwalda; it is unique, it meant 'plunder-lord', and it carries an unmistakable suggestion of the Migration Age. Its appearance in the name of a barrow in north Hampshire suggests that the surrounding country was occupied by English invaders at a date appreciably earlier than that which would be inferred from the general character of the local place-names. It becomes, in fact, a definite piece of evidence in favour of the traditional view of the course taken by the West Saxon conquest.

It can be said in more general terms that place-name studies are unlikely to compel any large-scale reconstruction of the traditional outline of Anglo-Saxon pre-history. The student of place-names has no reason to contest the chronology of the Anglo-Saxon Chronicle, which places the conquest of Kent in the third quarter of the fifth century, spreads the conquest of Sussex over the next three decades, and implies that Cerdic and his allies were still occupied with warfare in southern Hampshire in the year 519. The place-names of Wiltshire have no features which suggest that the expansion of the West Saxons over that country began earlier than 552, when, according to the *Chronicle*, Cynric their king defeated the Britons at Old Sarum.[1] The place-names of Gloucestershire have not yet been examined in minute detail, but there is nothing in their general character which clashes with the statement of the Chronicle that the West Saxons reached the Severn as a result of the battle of Dyrham in 577. It is a more important matter that the place-names of the country at the foot of the Chilterns do not conflict in any conclusive manner with the much-discussed annal which implies that this region first passed into English possession in the year 571. There are place-names of ancient type in this

the name, and for the identification of the site, see O. G. S. Crawford, *The Andover District* (Oxford 1922), Appendix E. The *hlæw*, or barrow, has disappeared, but its position is roughly marked by the Three Legged Cross inn on the main road from Newbury to Andover.

[1] See *Place-Names of Wiltshire* (English Place-Name Society), xiii–xvi.

country [1]; but the nomenclature of which they form part has so far yielded very few of those rare words and archaic personal names which, where they exist in large number, are the most convincing proof of early settlement. The place-name vocabulary of the Chiltern plain is such as might reasonably be expected to occur in a district which was not occupied until the sixth century was far advanced. It may also be observed that the place-names of this country, when they are considered as a whole, give the impression of a settlement appreciably later than that of Berkshire or of the district between London and the Chiltern Hills. If the annal for 571 is to be rejected, it will not be on the evidence of place-names.

There is one other entry in which the *Chronicle* offers a piece of definite evidence bearing on the West Saxon expansion of the sixth century. Under the year 584, it states that king Ceawlin and a certain Cutha fought with the Britons in the place called Fethanleag, that Cutha was killed, and that Ceawlin, after taking many 'towns' and innumerable spoils of war, returned in anger to his own land. Hitherto, this entry has been of little use to historians, because, although various places have been proposed for the site of Fethanleag,[2] there are conclusive philological reasons against each of these identifications. It does not seem to have been observed that a place-name corresponding exactly to the Fethanleag of the *Chronicle* occurs in a final concord of 1196 relating to Stoke Lyne in north-east Oxfordshire. It records an agreement between Otuel de Insula, the lord of the village, and Lucy of Cockfield, and it ends with a clause by which Otuel quitclaims to Lucy common pasture in the wood of Fethelée.[3]

[1] Such as Oving, Halling in Stoke Mandeville, and Wing, in Buckinghamshire.

[2] Such as Faddiley in Cheshire, Fretherne in Gloucestershire, and a place, now lost, near Stratford on Avon, which appears as *Fœhha leag* in the eighth century (*Cart. Sax.*, 239).

[3] Pipe Roll Society, vol. 24, p. 34: "Et idem Otuel' quietam clamauit de se et heredibus suis totam communam pasturam de bosco de Fethelee cum spineto . . . predicte Lucie et heredibus suis." In the original fine (C.P., 25 (1), 187/1/14) the first *e* of *-lee* is accented.

The identification of the sixth-century *Fethanleag* with the twelfth-century *Fethelée*, which is suggested by the identity of the names, is strongly supported by the geographical position of the latter site.[1] The parish of Stoke Lyne occupies a stretch of undulating ground a few miles to the north of the belt of woodland, which, in early times, connected the forests of the upper Thames Valley with those of the eastern Midlands.[2] This tract was the natural northern boundary of the districts dependent on Eynsham, Bensington, and Aylesbury, which, according to the *Chronicle*, the West Saxons had conquered from the Britons in 571. The next stage in the West Saxon advance towards the North may well have opened with a battle for the possession of the upland country immediately behind this barrier.

The place-names of the country along the head-waters of the Ouse and Cherwell set no difficulties in the way of this identification. They include very few names of early type, and as a whole, they obviously represent a late phase in the history of the English settlement. The settlement may, in fact, have begun some years after 584, for the statement of the *Chronicle* that after the campaign Ceawlin returned in anger to his own land raises a suspicion that he had been unable to keep the districts which he had overrun after the battle of Fethanleag. The later history of this country brings it into association with Mercia rather

[1] As W. H. Stevenson observed in 1902 (*English Historical Review*, xvii. 637–8), the name *Fethanleag* is apparently a compound of Old English *fēða*, a band or troop, and *leah*, which here, as in other early names recorded in the *Chronicle*, probably meant ' wood '. It is an interesting point that the *Fethelée* of 1196 is definitely said to be a piece of woodland. Stevenson was inclined to regard *Fethanleag* as a temporary name, which arose to commemorate the battle fought on the site. That the name was connected with the battle is highly probable. But the subsequent appearance of a name corresponding to the late sixth-century *Fethanleag* in a district which on other grounds is likely to have been the scene of warfare between Britons and Saxons in this period, suggests very strongly that the name was carried down into historic times by local tradition.

[2] The significance of this tract is well shown on the map illustrating the article ' Grim's Ditch in Wychwood ' by O. G. S. Crawford, *Antiquity*, iv (1930), 313.

than Wessex, and it is probable that it was first effectively settled as the result of a movement from the region of early Anglian occupation along the Nene and its tributaries.

For the greater part of Anglian England, as for Essex and the country around London, tradition fails. It is not until the far north has been reached that there is again an opportunity of comparing place-names with written history. If the traditions preserved by Nennius [1] can be trusted, the permanent settlement of inland Bernicia cannot have begun much before the last quarter of the sixth century. In themselves, the place-names of Northumberland and Durham suggest an occupation somewhat earlier than this,[2] but the discrepancy is not pronounced enough to affect the credibility of the traditions. In any case, it seems clear that the movement which colonised the two north-eastern counties proceeded without intermission until it reached the western sea. As a whole, the Old English place-names of Cumberland are clearly later than those of Durham and Northumberland, but they include a number of names [3] which, unless place-name chronology is wholly at fault, cannot reasonably be placed later than the year 625. It is in every way probable that the occupation of Cumberland was part of the English advance in the North which Bede attributes to the leadership of Ethelfrith king of Bernicia,[4] that is, to the period 592–616.

Here, as in regard to nearly all the major questions which trouble the student of Anglo-Saxon origins, the results of place-name analysis tends to support the literary tradition. But it is essential to remember that in the present state of place-name studies these results can only be tentative, and that even when the place-names of all

[1] ed. Th. Mommsen (*Monumenta Germ. Hist.*, xiii, 1898), 206.

[2] At least fourteen place-names ending in *-ingahām* occur in the two counties.

[3] Such as Hensingham, Addingham, Whicham (from *Hwitingaham*), Dearham, Rottington, Workington, Distington, Frisington, Harrington.

[4] Bede, *Historia Ecclesiastica*, i, 34.

England have been surveyed in the minutest detail, the conclusions which may be drawn from them will fall far short of scientific precision. It is already becoming possible to construct a skeleton chronology of place-name types, and to distinguish broadly between the personal nomenclature of the Migration Age and that of the settled English peoples. But even when these lines of inquiry have been carried as far as the evidence allows, they will never lead to results which can be applied uncompromisingly to the history of any part of England. There will always remain the possibility that a particular group of peasants may have adhered to ancient habits of name-formation for generations after its neighbours had abandoned them, and that family traditions may have handed down many archaic personal names far into historic times.[1] The synthesis of every kind of evidence is needed for the better understanding of the earliest English history. But the student of place-names has already some reason for the belief that his work will help the future historian by whose hand the outlines of this history will at last be firmly drawn.

[1] Thus, Edwin king of Northumbria who was killed in 632, gave to his youngest son the name Wuscfrea, borne by his own great-grandfather far back in the sixth century.

THE CAMDEN SOCIETY, 1838–1938

By Charles Johnson, M.A., F.B.A., F.S.A., V.-P.R.Hist.S.

Read 13 October 1938

The Camden Society, of which this Society is the heir and representative, was founded in 1838, and it is only fitting that some record of its history and achievements should mark the present year. It would have been an appropriate task for the sole surviving member Dr. Hubert Hall, our director, who is not only a living link with the old Society, but has himself carried on its work and its traditions as the editor-in-chief of our Camden Series. It is at his instigation that I stand here this evening, and I must ask his indulgence and that of this Society for whatever sins of commission or omission I may be guilty of.

The Camden Society was born in Westminster, at No. 25 Parliament Street, the printing office of J. B. Nichols, the parliamentary printer, and the home of the Society during the whole of its life, on 15 March 1838 at a meeting presided over by Thomas Amyot, secretary of the Slave Compensation Commission and treasurer of the Society of Antiquaries. There were also present, John Bruce, well known for his work on the state papers, John Payne Collier, whose misdirected enthusiasm for Shakespeare and the Elizabethan dramatists brought him a somewhat unpleasant notoriety, the Rev. Joseph Hunter, historian of south Yorkshire and one of the ablest of the original staff of the Public Record Office, Sir Frederick Madden, keeper of MSS. at the British Museum, John Bowyer Nichols, antiquary and proprietor of the *Gentleman's Magazine*, Thomas Stapleton, a genealogist whose edition of the Norman exchequer rolls is still

our prime authority for the history of Anglo-Norman families, and Thomas Wright, who was to become one of the most prolific of editors of early texts. It was a distinguished company; for each of these names has its paragraph in the *Dictionary of National Biography*. The original plan is ascribed to John Gough Nichols (son of J. B. Nichols), John Bruce and Thomas Wright, who aimed at securing publication in this way for historical books which no publisher would risk.

The moment was propitious, for it was in a period when curiosity as to literary antiquities had reached a height rivalling that attained in the seventeenth century. The second Record Commission had expired, after a parliamentary inquiry, not exactly in the odour of sanctity; but its shortcomings and the criticisms on them had helped to popularise the work both of its more capable members and of their unofficial critics. A Public Record Office, to unify the control of the records and facilitate their use, was being planned, and the Act establishing it was to receive the royal assent in the following August. Nor was private enterprise lagging behind. In this same year 1838 the English Historical Society began its comparatively brief but glorious course with Joseph Stevenson's three volumes, Gildas, Nennius, and Bede's *Historia Ecclesiastica*. And the year following it was to issue the first volumes of Kemble's *Codex Diplomaticus*. It ended with Hamilton's William of Newburgh in 1856, and its work was carried on by the Rolls Series which began in 1858. The Surtees Society, on the lines of which the Camden Society was planned, began its career in 1834 and happily survives. The Cambridge Camden Society, with rather different aims, was founded in 1839 and still does useful work under the name of the Ecclesiological Society.

The meeting resolved to found a society "for the publication of Early Historical and Literary Remains" to be called the CAMDEN SOCIETY. The draft rules laid down that the annual subscription was to be £1; that the society

should be governed by a president and a council of twelve including a treasurer and a secretary; and that the annual meeting should be held on Camden's birthday, 2 May, beginning in 1839. It was proposed to publish inedited manuscripts, but scarce printed books might also be selected for republication. Copies of each work printed were to be sent to every member, and (an important proviso) the surplus stock was to be offered to the public. Another principle was also laid down which has governed the series ever since; viz., "That the publications of the Society do all form separate and distinct works without any necessary connection; so that they may be bound and arranged as most agreeable to individual taste." A reminder of the difference in facilities for communication in the period before Rowland Hill's reforms in 1839 is to be found in the provision that the names of candidates for election be circulated "to all members residing within the limits of the Threepenny Post" (i.e. residing within 12 miles of the G.P.O.) and to such other members as may so require a week before the date of election.

The first meeting of the new Society was held on the following Thursday, 22 March, and Thursday continued to be the usual day for meetings of the council then elected. This consisted of the persons who had attended the previous meeting, with the exception of Mr. Nichols the printer, and with five new names: Charles Purton Cooper, secretary of the second Record Commission, and author of a once well-known compilation on the Public Records; Thomas Crofton Croker, Irish archaeologist and collector of fairy tales; Sir Thomas Phillipps, owner of the famous Middle Hill library; Edgar Taylor, the translator of *Grimm's Fairy Tales*; and William John Thoms, who published his *Book of the Court* in 1838 and was to found *Notes and Queries* in 1849. Lord Francis Egerton (the "Lord Leveson Gower" and "sad poet" of the *Ingoldsby Legends* [1]), a prominent politician

[1] It is curious that R. H. Barham does not appear in the list of members.

and afterwards Earl of Ellesmere, was elected president; John Bruce, treasurer; and Thomas Wright, secretary. The auditors were John Herman Merivale and Henry Crabb Robinson, literary barristers, the latter known as the friend of Wordsworth and many others and the author of a famous diary, and Richard Taylor, a printer, and like Edgar a member of the celebrated Norwich family.

New members poured in rapidly. Among those recorded in the minute book are John Gage, afterwards John Gage Rokewode, director of the Society of Antiquaries; Henry Hallam; Lord Aberdeen; John Britton, the topographer; Bishop Butler of Lichfield ('Butler of Shrewsbury'); Charles Wentworth Dilke, editor of the *Athenaeum*; Sir Henry Ellis; Lord Holland; Lord Langdale, M.R.; Col. Leake; Charles Lever; Francisque-Michel; Sir Robert Peel; Samuel Rogers; William Whewell; the Duke of Sussex; Decimus Burton, architect of the Athenaeum; Peter Cunningham, the editor of Horace Walpole; Isaac D'Israeli; Henry Drury, Charles John Palmer, the historian of Yarmouth, Benjamin Thorpe, the Anglo-Saxon scholar, and Dawson Turner, the Norfolk antiquary and botanist. The Society was already large enough in less than a month for the council to determine on an edition of 500 copies for the first two volumes, Bruce's *Historie of the arrivall of Edward IV in England* and Payne Collier's edition of Bishop Bale's *Kynge Johan*. By the 21 June it was already necessary to make the rule that no new members should be entitled to back parts as soon as the numbers should have reached 480. A printed list was issued on July 10 showing a membership closely approaching 500 and widely representative of Victorian culture. It included (besides those already mentioned) librarians such as Bandinel and Philip Bliss of the Bodleian, and S. R. Maitland of Lambeth; heralds as Sir William Betham, Beltz, and Planché; antiquaries like Akerman, Gally Knight, Sir Samuel Meyrick, and John Henry Parker; Davies Gilbert and Larking; Cureton the Syriac scholar, Joseph Bosworth, Alexander

Dyce, and J. O. Halliwell; distinguished foreigners such as Michelet, Teulet, and Lappenberg; Oxford celebrities like Martin Routh, Tommy Short, Hawkins of Oriel, and Scott (of Liddell and Scott); and other notabilities, including the archbishop of Canterbury, the bishops of Bath and Wells and Durham; Milman and John Hill Burton; Robert Southey, Sir Robert Inglis, Sir Francis Palgrave, Lord Braybrooke, Serjeant Talfourd, Travers Twiss, and the youthful John Ruskin (he won the Newdigate in 1839). It was proposed in 1839 that the Queen should be asked to be Patron. Prince Albert joined the Society in 1843 and remained a member till his death in 1861.

It was clear by this time that the original edition of 500 would not be large enough to satisfy the demands of prospective members, so the number of copies to be printed was raised to 1,000 and arrangements were made for printing another 500 copies of the volumes already issued. The rules drafted in March 1839, and approved at the first general meeting, held on 2 May at the Freemasons' Tavern, raised the limit of membership to 1,000, and before 5 March 1840 it had been considered necessary to increase the edition to 1,250. The early and remarkable success of the Society had made its council too sanguine, for in 1851 an edition of 750 was considered sufficient and the membership afterwards dropped to between 300 and 400. In its early years, however, there was no difficulty in keeping up the numbers. Candidates for admission were forced to wait their turn for the vacancies due to death or resignation, and a candidates' book was instituted a week after the general meeting to determine the order in which aspirants should be admitted. The pressure does not seem to have slackened until 1845, and the general meetings continued to be held at the Freemasons' Tavern until 1857, when they were transferred to Messrs. Nichols's offices.

The new rules adopted at the meeting enlarged the scope of the Society so as to permit the printing of translations, raised the membership limit to 1,000, and provided

for the appointment of a director who could act as vice-president. This post was assigned to Thomas Amyot, who held it till his death in 1850. It was no sinecure, since the president, after presiding at the first general meeting, left the Society very much to itself, retiring for reasons of health in 1843. His greatest service was permission to publish the *Egerton Papers*, which were edited by Payne Collier in 1840. The task of taking the chair at the annual meeting and at all council meetings fell to Amyot until Lord Braybrooke succeeded to the presidency on Lord Francis Egerton's retirement. He took a warm interest in the work and was usually present at council meetings.

The first question, apart from the routine business of membership and selection of works for publication, to concern the council was that of copyright. It decided in June 1838 to send copies to the five great libraries, and in March 1839 it was decided that all publications should be entered at Stationers' Hall. Another matter which soon acquired importance was the responsibility of the Society for the opinions of its editors. In May 1839 it was laid down that the Council must see the proofs of each work issued, more especially of the prefaces, and in November at the instance of Charles Purton Cooper definite rules were made to secure this end. Unhappily the council waived its right of control in particular cases ; and it consequently happened that in 1844 fifteen Roman-Catholic members of the Society protested to the council against some of the language used in the preface to Wright's " Suppression Papers " (no. 26). The council replied by printing a notice disclaiming responsibility, which has been the model for the similar notice inserted in all the publications of this Society. Care was to be taken in future that the rules were enforced. Thus we read under the date 7 May 1857 : " Mr. Akerman's introduction to the Privy Purse Expenses of Charles II was laid before the Council and approved—with the substitution of the word ' monarch ' for ' profligate ' and ' successor ' for ' flinty-hearted brother ' on the

last page : " which amendment the secretary was directed to communicate to Mr. Akerman."

One trouble of the new society arose from the necessity of communicating with country members through the medium of local secretaries. As we have seen, postage was a consideration ; and the collection of subscriptions and distribution of volumes could not be cheaply done from head-quarters. Some of these were among the most distinguished members of the society, e.g. Lappenberg at Hamburg and Francisque-Michel and afterwards Teulet in Paris. A good deal of book-keeping was necessary, and in 1841 it was resolved to pay £50 *per annum* for clerical assistance to the treasurer. Moreover, some of the local secretaries were inefficient and failed to remit punctually the subscriptions which they had collected. In 1844 the local secretary for Leicester became a bankrupt, and the society not only lost the subscriptions in his hands, but had to issue to the Leicester subscribers the volumes to which these subscriptions related. In Edinburgh the secretary wisely applied for leave to transfer the distribution of the volumes to a local bookseller. Subscriptions in arrear were another source of trouble. In 1840 it was necessary to suspend the rule as to ejection of members for non-payment in order to avoid losing so valuable a member as Sir Thomas Phillipps, and in the same year the name of Austen Henry Layard was removed under that rule. The penalty was a severe one, as the society had then a considerable waiting-list.

In 1842 the London Library applied for a set of the publications and was admitted a member. A special privilege was accorded to the Chetham Library, at Manchester, in 1850. This claimed to be the only English library to which access was absolutely free and unrestricted ; and on that ground it was presented with a complete set of the Society's publications, and the gift was afterwards brought up to date. A like liberality was shown in 1854 to the Marylebone public library, on the application of its Work-

ing Men's Committee, and in 1857 to the Westminster public library, the "first free public library in London". In both these cases copies were given of all publications of which more than 50 copies were in stock. The early success of the Society as compared with its reduced numbers in later years, and the consequent excessive editions printed, had caused an accumulation of stock which made it politic to be very liberal to a possible permanent subscriber.

The Society played an honourable part in the agitation to secure access for literary inquirers to early wills. A volume of these was planned in 1848; but the officers of the Prerogative Court refused any facilities, though no difficulty was made at Lambeth with regard to the wills preserved there. A memorial was therefore submitted in 1852 to the Ecclesiastical Courts Commission, setting forth, amongst other things, that "The authorities of the Prerogative Office in Doctors' Commons perhaps stand alone in their total want of sympathy with literature and in their exclusion of literary enquirers by stringent rules, harshly, and in some cases offensively enforced."

The attack was renewed in 1854, when Lord Strangford, who was a probable member of the select committee concerned, undertook to raise the question of the custody of old wills. In 1858, in consequence of the coming into force of the Court of Probate Act, conditions improved; and when in 1862 the Society applied to Sir Cresswell Cresswell for leave to print some of the wills from Doctors' Commons, it was granted with the proviso that literary inquirers were not to be disturbed. In 1864 the Society applied for the extension to the district registries of the rules permitting access to wills of 1700 and earlier; and in 1869 it protested against the proposed imposition of fees for literary searches. In 1876 it applied, jointly with the Society of Antiquaries, for the extension of the date to 1760, a privilege which was granted in the following year. It also in 1865 successfully advocated the use of photography for making facsimiles of wills.

In 1862 the Society proposed to petition the chancellor of the exchequer for the printing of the rest of the pipe rolls of Henry II ; but as a result of informal inquiries at Rolls House made by Charles Purton Cooper the plan was dropped. The Pipe Roll Society, which has now happily completed that portion of its task, was founded in 1883.

Of the literary work of the Society it is, in this place, almost superfluous to speak. We owe to it so many works which are part of the furniture of our minds, the familiar tools of the historical workshop. Some have been superseded by better editions, like Wright's two volumes of Walter Map, the *Poems* of 1841 and the *De Nugis Curialium* of 1850 ; others like Rokewode's Jocelin of Brakelond (1840) still hold their own against subsequent editions. Some are out of print and command a high price in the second-hand market, such as Way's *Promptorium Parvulorum* (despite Mayhew's improved edition in 1908), Wright's "Suppression Papers" (1843), Dingley's *History from Marble* (1867–8), Firth's *Clarke Papers* (1891–1901), and Warner's *Nicholas Papers* (1886–97) ; and though the importance of the volumes varies greatly, it is fair to say that the Society attained its object, and brought within the reach of scholars a series of texts of the highest historical and literary value which would otherwise have remained unpublished as being commercially unprofitable. We may further claim that its activities gave a stimulus to other societies of later foundation which continued the work it had begun, and thus enabled it to restrict its action to that definitely historical field which the Camden Series now occupies. Camden's work as a herald was the occasion for the issue in 1849 of *The Visitation of the County of Huntingdon* made under his authority, and this work is continued by the Harleian Society founded in 1870. The expense of the necessary engraving was in all probability one reason why the Camden Society published no more visitations.

In the early years of the Society its literary side, repre-

sented by Payne Collier, Wright, and Dyce, was almost as important as its historical, upheld by Bruce, Stapleton, and Hunter. But the foundation of the Percy Society in 1840 and the Shakespeare Society in 1841 took away a great part of the pressure in this direction. The Camden Society's outstanding contribution is Albert Way's edition of the *Promptorium Parvulorum*, one of the earliest works projected by the Society but only completed in 1865, the year after the foundation by Dr. Furnivall of the Early English Text Society. The delay in its production and that of Le Roux de Lincy's *Blonde of Oxford* was a source of perennial anxiety to the council. The publication of the complementary glossaries, Levins's *Manipulus Vocabulorum* (1867), edited by Wheatley, and Herrtage's edition of the *Catholicon* (1881), was undertaken jointly by the two societies.

The problem of dealing with pieces too short to form a volume presented itself at an early stage. The rules of the Society demanded that each work should be separate, with its own title-page and index (if necessary), so that subscribers could arrange and bind their volumes according to any plan which suited them. The plan adopted in 1846 was to issue a number of such separate parts in the same cloth cover, leaving the owner free to break up the volume and bind its contents in any order desired. The first volume appeared in the following year. Among the works proposed for issue in this form is one which arouses a certain amount of curiosity. In 1856 Léopold Delisle found in the Bibliothèque Nationale a poem by John of Garland on Fulk Basset, bishop of London, and received a commission to obtain a transcript of it. I cannot find that it was ever published, unless it is really the Paris MS. of Garland's "Exempla Honestae Vitae" in which Basset is certainly mentioned. Unfortunately the minutes give no press-mark for the manuscript.

A good many works were suggested for publication and declined. Some were found to be printed already, or to

be so similar in character to existing publications as not to deserve print. But some seem to have been rejected on inadequate grounds. Thus Baker's "History of St. John's College, Cambridge" was thought in 1840 to be too local in its interest. Other unsuccessful proposals were Horsley's "Britannia Romana" and the "Gesta Romanorum" (1842), the correspondence of Count Koenigsmarck and Sophia Dorothea (1852), Smith's "Lives of the Berkeleys" (1855), Herd's metrical chronicle of Edward IV, Edward V, Richard III and Henry VII was refused in 1866 as being more suitable for the Rolls Series (begun in 1858). It has never found a place there, but was privately printed for the Roxburghe Club in 1868. Gairdner's *Paston Letters*, offered in 1868, was rightly considered saleable in the ordinary course of trade. In 1870 Eyton offered his *Court of Henry II* but under conditions as to date of publication, which the Society was unable to accept. It also was published through the trade in 1878. M. D. Davis offered "Documents relating to the early history of the Jews in England" in 1877, but never published a book with that title.[1] "The Master of Game", proposed by Sir Henry Dryden in 1855 and still unfinished in 1882, was then passed on to the Early English Text Society. Luttrell's Diary, which was proposed in 1855, on the strength of Macaulay's frequent use of it, was found to have been already undertaken by the Clarendon Press. A proposal in 1845 by Dr. Giles for a catalogue of English literary and historical manuscripts in Belgium came to nothing because the Society could not offer anything more than the cost of printing. A suggestion by Marchegay for a volume of documents relating to England in Anjou was refused in the previous year.

Another unrealised project was to have a profound effect on the fortunes of the Society. In 1855, when about 60 volumes had been issued, it was proposed to compile a general index to the publications of the first twenty years

[1] Davis published his *Hebrew Deeds of English Jews* in 1888.

on the lines of that made by Henry Gough for the Parker Society; and the proposal was renewed three years later, and the cost estimated at £200. The question remained open till 1868 when the hundredth volume was in sight, and £500 was then assigned for the purpose and Mr. Gough's services engaged. In 1874, after six years' work, the compiler was hopeful of being able to go to press with an index to the 105 volumes of the original series. In 1879, however, the task was still unfinished, and a committee was appointed to report on it. The compiler had then been paid £400 on account, had completed the slips, and had revised A and part of B. The remainder of the alphabet was sorted to the first letter only. It was decided to print 500 copies, but Mr. Gough, who was in failing health, begged to be released from his task. The completed part of the index (A–Baudoin) was issued in sheets in 1881, but, as the Society could neither find a new indexer nor the funds to pay him and print the index, the plan was definitely abandoned in the same year. It had exhausted the reserve funds, and henceforth the Society lived from hand to mouth.

The Society was fortunate in its officers. Its second president, Lord Braybrooke, was diligent in his attendance at both council and general meetings till his health began to fail in 1856. On his death in 1858, Earl Jermyn, afterwards Marquess of Bristol, succeeded, and remained till his death in 1864. The Marquess Camden presided for less than two years. On his death in 1866, William Tite, architect of the Royal Exchange, was elected, and took an active part in the business, dying just before the general meeting of 1873, which was on that account postponed. His successor the Earl of Verulam also attended council meetings, but resigned in 1887. The Earl of Crawford, owner of the famous library at Haigh Hall, was elected in 1888, and remained president until the dissolution of the Society. The directors were Thomas Amyot (1839–50), John Bruce (1850–69), Samuel Rawson Gardiner (1869–97);

the treasurers, John Bruce (1838–45), John Payne Collier (1845–61), William Henry Blaauw (1861–5), William Chappell, the musical antiquary (1865–81), James Joel Cartwright, secretary of the Public Record Office (1882–97); the secretaries, Thomas Wright (March–November 1838), William John Thoms (1838–72), Alfred Kingston of the Public Record Office (1872–85), James Gairdner (1885–97).

Among the minor matters which concerned the council we may record the great controversy on spelling in 1867. A correspondent of the *Athenaeum* complained that the spelling of Bargrave's *Pope Alexander the Seventh and the College of Cardinals* had been modernised, and the savour of the work destroyed. F. J. Furnivall (who may be suspected of having written this letter) brought the matter before the general meeting on 2 May with a motion that "in the Society's books the spelling of the original documents be preserved, and that contractions be extended in italics". The motion was, however, ultimately withdrawn.

Trouble also arose from A. J. Horwood's *Commonplace Book of John Milton*, issued in 1876, which contained a number of errors due to haste and bad proof-reading; but Mr. Horwood replaced this defective edition by a corrected one in the following year at his own expense: an act of generosity which the Society was in no position to refuse.

It is interesting to note the rise and fall of literary newspapers, as shown by the instructions for sending out review copies. These were sent in 1854 to the *Times*, *Chronicle*, *Athenaeum*, *Examiner*, *Literary Gazette*, and to *Frazer's* and *Blackwood's* magazines. In 1861 an advertisement for new members was sent to the *Times*, *Morning Post*, *Athenaeum*, *Saturday Review*, and *Notes and Queries*. In 1867 the *Pall Mall Gazette* is added to the list. In 1874 the review copies go to the *Times*, *Standard*, *Pall Mall Gazette*, *Athenaeum*, *Saturday Review*, *Academy*, *Spectator*, and *Notes and Queries*.

The financial troubles of the Society arose, in a manner, from its early success, which raised the output to 1,250

copies in 1840, and made it necessary for the treasurer in 1841 to have a grant of £50 per annum for clerical assistance. When the numbers dropped to 300 or 400 the output and overhead expenses could not at once be proportionately reduced, and accumulations of stock required warehouse room which had to be paid for in one shape or another. As early as 1850 the council began to be uneasy at the cost of unexpected appendixes, and required that estimates should be submitted. In 1853 some of the surplus stock was sold to Mr. Stevens at about sixpence a volume. Further economies were attempted in 1858, when the Society decided to buy its own paper, and in 1859 the printing expenses were reconsidered. Messrs. Nichols agreed to accept a reduction of 5*s.* per sheet, but declined an offer of 7*s.* 6*d.* to cover corrections on the ground that the average cost in a recent volume had been over 9*s.* The stock held numbered 8,300, and it was agreed that in consideration of the reduction, the Society should pay £5 per annum warehouse rent and do its own insurance. The council ordered that editors were not to have more than two revises. In 1860 it was suggested by the printers that new members be offered sets of all volumes in print for £15, or a choice of 25 volumes for £5, but the council preferred to continue its existing offer of half-price. In 1868 there was a fire at the printers', and the Society claimed £114 3*s.* 0*d.* for insurance. A report was made on the financial position in 1881, which showed that the Society had only 43 life and 183 paying members, and that careful estimates of cost were imperative. In the following month the treasurer resigned. Means were already so straitened that Pauli's proposal of the Wardrobe Accounts of Henry Earl of Derby could not be accepted. This was in 1879, and Pauli died soon afterwards. The book was afterwards undertaken by Stubbs, who gave it up on accepting a bishopric in 1884, and was finally issued [1] jointly with the

[1] *Expeditions to the Holy Land made by Henry Earl of Derby.* Camden Society, New Series, lii.

East and West Prussian Historical Society in 1894, the German edition edited by Dr. Prutz and the English by Miss Lucy Toulmin Smith. In 1892 there had been a slight recovery, there being 28 life-members and 237 subscribers of whom 118 were libraries, and an effort was made to attract more libraries. In 1894 it was reported that the irrecoverable arrears of subscriptions amounted to £95, but that the Society could still carry on for a while. It was unable, however, to issue more than one volume a year after this date.

In 1896 it was suggested that if the Society would amalgamate with the Royal Historical Society, which had approached it ten years before on the subject of the Domesday Celebration, the combined membership would be large enough to support the burden of two Camden volumes and one of the Royal Historical Society's proceedings. A committee was appointed to consider this and reported favourably on 11 March 1896. It consisted of Sir Mountstuart Grant Duff, Frederic Harrison, Robert Hovenden (treasurer), and Hubert Hall (director and secretary) on behalf of this Society, and of S. R. Gardiner, J. J. Cartwright, James Gairdner, and J. Silvester Davies for the Camden Society. A circular was issued to the members on 2 May 1896 embodying these proposals. In November 1896 it was stipulated that three members of the council of the Camden Society should be nominated to serve on that of this Society; and on 19 November this Society adopted the plan, which was confirmed at a special general meeting of the Camden Society on 2 December. At a final council meeting on 28 April 1897, arrangements were made for clearing the Camden Society's liabilities, and a special request was made that this Society should not dispose of the Camden Society's stock at lower prices than those already fixed by the council. The Camden Society issued as its last volume in 1897 vol. iii of *The Nicholas Papers* and passed peacefully out of existence on 2 May 1897. Those members who desired to continue to enjoy their old privileges have

had their two volumes a year at the old subscription, and the work of the Camden Society has been carried on for more than 40 years by the Royal Historical Society.

The initials C. S. were retained, though they meant henceforward Camden Series and not Camden Society; and the volumes issued with that device have worthily maintained the traditions. I need only instance the Cely and Stonor papers; the *State Trials of 1289–93*; the Life of Wulfstan; the unprinted Parliament Rolls; the Benedictine *General and Provincial Chapters*; and the series of *Diplomatic Instructions* and other modern state papers as a proof that this Society has not been unfaithful to its trust.

THE LINCOLN DIOCESAN RECORDS [1]

By Miss Kathleen Major, M.A., B.Litt., F.R.Hist.S.

Read 8 December 1938

The Lincoln diocesan records have long been well known to historians both for their great bulk and importance and for their accessibility. Before the Reformation the diocese covered eight and a half counties; even in 1541 it lost only Northampton, Rutland and Oxford, with the result that it was divided into completely separate portions, Lincolnshire and Leicester in the north, Buckingham, Bedford, Huntingdon and part of Hertfordshire in the south. Its size alone will account for the vastness of the collection. That the muniments are accessible is due to the work of the late Canon Foster, in recognition of which the Pilgrim Trust established the present record office, as the result of a request for assistance by the bishop of Lincoln. In this Society the work of Canon Foster is so famous as to make any comment on it by me superfluous, if not impertinent, but it would be impossible to speak of the records without reference to him. For my own part, I regard it as my chief privilege to attempt to carry on his work: to try to continue on the lines laid down by him is in itself a liberal education in the care and use of manuscripts.

[1] I am indebted to Professor F. M. Stenton for first suggesting I should write this paper, and I have had the much-valued opportunity of discussing with him various matters connected with the records and their problems, during the last three years. Those who heard his address to the Canterbury and York Society on the Southwell Court Books in 1936, will realise my further indebtedness to him for his illuminating account of the seventeenth- and eighteenth-century records on that occasion.

In any collection of diocesan records the centre of the whole is the series of episcopal rolls and registers. As this audience knows well, the institution rolls of Hugh of Wells [1] at Lincoln are the earliest extant, perhaps the earliest ever kept, and the series of pre-Reformation registers is probably as complete as those of any diocese in England. I do not propose to speak of these registers at any length, since a few years before his death Canon Foster, at a meeting of the Canterbury and York Society, read a paper on them and this has subsequently been published.[2] I would, however, add to the information contained in it, that in the last two years a few supplementary registers have been assembled from various boxes and placed with the main series. These are for the most part volumes containing royal writs: the first, that of Henry Burghersh,[3] was mentioned by Canon Foster, but there are also an additional volume for Bishop Beck,[4] three additional volumes for Bishop Gynewell,[5] one for Bishop Gynewell and Bishop Buckingham [6] jointly and a fragment of ten folios of royal writs of the time of Bishop Repingdon.[7]

The Beck volume contains ordinations by Beck and during the vacancy after his death, royal writs received by him and by the official *sede vacante* and a few injunctions to religious houses. For Gynewell, who already had two registers of 189 folios (Memoranda) and 446 folios (Institutions) respectively, the sub-division of the records is carried further. Register IX^{b} contains 104 folios of royal writs, IX^{d} 114 folios of ordinations, while IX^{c} contains licences for absence either for study or in the service of king or nobleman, for celebrating in oratories, to choose confessors and dispensations for defects of birth. The

[1] *Rotuli Hugonis de Welles*, edited by W. P. W. Phillimore and F. N. Davis, Lincoln Record Society, vols. iii, vi and ix. Issued simultaneously by the Canterbury and York Society, vols. i, iii and iv.

[2] "The Lincoln Episcopal Registers." *Associated Architectural and Archaeological Societies Reports and Papers*, xli (ii), 155–168^{b}.

[3] *Op. cit.*, p. 159. [4] Register VII^{b}. [5] Registers IX^{b-d}.

[6] Register XII^{b}. [7] Register XV^{b}.

remaining register of seventy-six folios contains a few royal writs of the time of Gynewell but the greater number are addressed to Buckingham. How many other subsidiary registers there were it is at present impossible to say [1]: in most cases the ordinations and licences are included with the memoranda, but Canon Goodman informed me that there seem to have been similar subsidiary registers at Winchester which are now lost.

On the post-Reformation period it may be permissible to say a little since the character of the registers at Lincoln shows a considerable change after the death of Longland in 1547, a change, which, so far as my present knowledge goes, is not noticeable in any other class of record. The whole standard of workmanship deteriorates; whereas in 1219 the clerks of Hugh of Wells began to keep separate rolls for institutions in each archdeaconry, in 1554 the registrar reverted to the system used in the earliest roll and entered all institutions chronologically without reference to the archdeaconry, and although there was a reversion to the classified arrangement under Cooper, there was a second relapse under Chaderton in 1597 which persisted thenceforward. Less information was given in the middle years of the sixteenth century, the name of the previous incumbent, or the cause of the vacancy might be omitted, though in this respect there was an improvement again under Cooper.

The institutions are unhappily incomplete for several periods of years between 1547 and 1660. After the death of Longland in 1547, five bishops, Holbeach (1547–51), Taylor (1552–4), White (1554–6), Watson (1557–9) and Bullingham (1560–71), all succeeded within less than thirteen years. For the first two I can find no registers at all, except that at the end of Longland's register there are institutions for all the archdeaconries except Lincoln

[1] It may be noted that there seem to be no ordination records for Bishops Dalderby, Burghersh, Buckingham, Alnwick, and Chedworth, which suggests that these lists were kept in separate registers now lost.

in the time of Bishop Holbeach.[1] Whether these are complete records for the other five archdeaconries is doubtful, as the persons instituted are only about sixty per cent of the number for a similar period of years, 1496–1500. For White and Watson there are paper records of institutions, clearly incomplete and possibly not original.[2]

For Bullingham there is a parchment register from his accession in January 1560 until June 1562 [3] (he was in office until 1571), and there is also a paper register from 10 April 1561 to 19 March 1563.[4] The relationship of these two to each other I am not prepared to state definitely, but it seems as if the paper is a draft since it contains several corrections in the entries which have been used in the parchment register.

In the case of the paper registers of White (1554–6) and Watson (1557–9) I am again uncertain of their relationship to possibly once-existent parchment volumes, but they contain no signs of being a corrected draft like that of Bullingham, and seem in Watson's case rather to suggest an abbreviated copy of the entries in a full register. For White the earliest folios are lost and the first entry with a year date is 24 October 1555, though some later entries go back to 1554.[5] For Watson the first entry is 18 August 1557, three days after his consecration, and it is noteworthy that the formula is slightly different from that of Long-

[1] Register XXVII, fos. 275 to the end.

[2] Register XXVIII, fos. 152–95, 140–50.

[3] Register XIX, fos. 91–133. Calendared by Canon C. W. Foster, *A.A.S.R.P.*, xxv (ii), 460–99.

[4] Register XXVIII, fos. 196–232.

[5] The entries are in various hands and the folios were evidently put in the wrong order when this MS. was foliated continuously with the institutions 1554–66 mentioned in p. 44 below, and with Watson's paper register, sometime at the end of the sixteenth century. An index was compiled for all three together at that time. In some cases the old folio numbers are visible and the original order could probably be reconstructed. The whole of Register XXVIII was calendared by Canon Foster, except where it duplicated parts of Register XIX. (*A.A.S.R.P.*, xxiv, 1–32, 525, xxv, 499–505; *Lincolnshire Notes and Queries*, v, 129–44, 164–81, 194–209, 227–43, vi. 3–19, 45–53, 78–85, 102–11, 142–7.)

land's time. The earlier form gives the name of the presentee, his status, the name of the patron, the name of the benefice, the reason for vacancy almost invariably with the name of the last incumbent, the place and date of admission and institution, the record of his having sworn obedience, and the issue of the induction mandate. Watson's formula gives date, place, the record that the bishop instituted the clerk to the church, the name of which is not given in the text, only in the margin, the reason for vacancy usually without the name of the last incumbent, the name of the patron and the issue of the induction mandate. Admission preceding institution is not mentioned, nor is the swearing of obedience.

In Bullingham's register the form changes slightly again in the order of information and adds the clause recognising royal supremacy. The name of the benefice as in Watson's register is given only in the margin. In Cooper's time (1571–84) there is a reversion to the formula of Bishop Longland's registry with the addition of the royal supremacy clause ; with few exceptions this was used for the vacancy after his translation, in the surviving fragment of Wickham's register from 6 December 1585 to 19 February 1586, and for the vacancy after the latter's translation. With Chaderton, who succeeded in 1595 but whose earliest institutions are lost (the first surviving is 23 August 1597), the formula begins with date and place as in the time of Watson and Bullingham. In Winniffe's register the form is greatly abbreviated but it is not certain, owing to the loss of the registers, whether this was an innovation in his time or earlier. Brevity, on the whole, was to triumph in the future except under Bishop Laney, and the modern entries in English begin, as in the time of Bishop Chaderton, with the date. Chaderton died in 1608 and from that time until 1640, and again from 1646 to 1660, there are no registers ; after 1660 they are continuous.

What happened to the registers is uncertain. It is perhaps permissible to suggest that between 1547 and

1560, with a rapid succession of five bishops and the change in personnel which may well have occurred during the Marian reaction and the subsequent resettlement under Elizabeth, the registry may not have kept its records with quite the same degree of precision and care as in normal times. One point which seems to suggest this possibility is the existence of two compilations of institutions to livings; between 1547 and 1570 in one case, and between 1554 and 1566, but mainly 1554–6, in the second case.[1] They were made probably at the beginning of Cooper's episcopate and were bound in recent years with Watson and Bullingham's paper records of institutions. The first is a curious piece of work: although the livings are grouped according to archdeaconries and there is a good index to each, the principle of arrangement is not chronological,[2] nor is it alphabetical, nor by rural deaneries. It does not seem possible that it was compiled from a register but rather from a bundle of unsorted documents, possibly presentation deeds or mandates for induction. The second collection shows greater, but not complete, consistency in chronology. Both manuscripts suggest the possibility that someone was trying to obtain essential information from chaotic records.

The loss of the institutions for part of Cooper's time and for Wickham's as well as for the first two years of Chaderton and the period from 1608 to 1640 can, I think, only be accounted for by sheer misfortune or by carelessness. The parchment registers of Cooper and Wickham were bound in the seventeenth century with that of Marmaduke Lumley (bishop for a few months in 1450) so that the blame there falls on the officials of that time. When the registers of Barlow, Neile, Monteigne and Williams disappeared it is impossible to say, but it may have been during the Civil

[1] Register XXVIII, fos. 1–139.

[2] Beginning on fo. 3, which is the first complete one, there are three institutions of 1570, followed by four of 1564, one each of 1563, 1565, 1566 respectively, and so on.

War.[1] I have at present no information as to whether their existence is mentioned in post-Restoration times, but so far as other records are concerned I have a strong suspicion that many perished when Buckden Palace ceased to be the chief episcopal residence about a hundred years ago.[2]

The late mediaeval registers at Lincoln were divided into institutions, ordinations and memoranda, the last two being usually bound together; in the case of short pontificates all three are in one volume. With the Reformation the memoranda inevitably shrank with the cessation of certain former functions of the bishop. There are apparently no surviving memoranda volumes for any bishop

[1] Canon Foster noted that there was a tradition to this effect in the Registry. Miss Rose Graham informs me that some Ely registers disappeared during the Civil War.

[2] Mr. John Saltmarsh of King's College, Cambridge, has given me the following information on visitatorial proceedings at King's College, formerly at Buckden :—

" We have in our Muniment Room five volumes compiled by College antiquaries, probably in the 18th Century, relating to Visitorial Proceedings. The first of these is labelled ' Visitations, 1573, 1594, 1603, 1608 '. It has no title page. It consists of transcripts of various papers, some at least of which, and possibly all, are at present in the College Muniment Room. The second volume is labelled ' Visitations, 1630, 1674 '. This is of a similar nature to the preceding one, but I have not seen any of the originals which are here transcribed. The third volume is labelled ' King's College. Visitor. Catalogue of papers at Buckden Registry.' The title page reads ' A Catalogue or Index of the several Papers relating to King's College and Visitations there, preserved in the Registry at Buckden—With a Summary of the Contents of each Paper.' Papers in seven bundles, lettered A to G, are here summarised. There are from five to fifty-five separate numbered papers in each bundle. The last two volumes are lettered on the binding ' King's College. Visitor. Transcript of Register of Papers. 1 and 2.' There is no title page in either volume, but it appears to be a transcript of pages 63–322 of a volume relating to Visitorial Proceedings of whose present whereabouts I have no knowledge. The pagination of the original volume is noted in the transcript. These last three volumes at least seem to relate to documents formerly in the archives of the bishop of Lincoln, and the reference to the Buckden Registry suggests that some at least of them were kept at Buckden."

Nothing to correspond with these proceedings has been found up to the present among the records in this office, and neither the Ecclesiastical Commission nor the present owner of Buckden can throw any light on their whereabouts.

between 1547 and 1580, but there are three volumes which contain such records for the period 1580 to 1640. Canon Foster gave these the title of Miscellaneous Books, and he further distinguished them as the Brown Book and the Red Book. The third was known as the Blue Book as he had intended to have it bound in blue though this was never done.

The first, the Brown Book, begins in 1580 with the visitation of the cathedral by Bishop Cooper, the first folio of which is lost. This is followed by the register *sede vacante* after his translation, by the register of Bishop Wickham and the register *sede vacante* after his translation, by the register of Bishop Chaderton and a collection of letters and lawsuits 1609–18.[1] The Red Book covers the period 1611–93 but seems to be an episcopal register until 1640 only. The last 120 folios appear to be the register of Edward Lake, the vicar-general from 1662, and most of the entries are faculties.[2] The third volume, which will one day be blue, has a variety of episcopal acts between 1589 and 1622 which are arranged without regard to chronology. In all three, apart from the visitation records of the cathedral, of which there are several instances, including the metropolitical visitation of 1634, the chief contents are the following: commissions to officials and commissaries, sequestrations and their subsequent relaxations, licences for preachers, processes against the clergy, letters from the sovereign or the archbishop of Canterbury, articles agreed upon in Convocation as for example in 1584. The material in all cases is paper and the workmanship is good.

I should add that a certain number of entries with the characteristics of memoranda are to be found in the first of the series of Subscription Books. In fact, so much

[1] Part of the Brown Book was printed by Canon Foster in *Lincoln Episcopal Records in the time of Bishop Cooper* (Linc. Record Soc. and Cant. and York Soc.), pp. 149–156.

[2] Many extracts from this were printed by Canon R. E. G. Cole, "Some Lincolnshire Faculties 1663–1693", *A.A.S.R.P.*, xxx (i), 19–46.

material of this type is contained therein, that Canon Foster was apparently of the opinion that it was Bishop Cooper's register and he described it with that title in the introduction to *Lincoln Episcopal Records in the time of Bishop Cooper*.[1] Subsequently, however, he changed his mind, and when it was bound at some date after the publication of that volume he had it lettered Subscription Book.

From 1660 onwards the registers contain little but institutions, ordinations, unions of benefices, erections of chapels into parish churches, licences of one sort and another and occasional notices of visitations of the cathedral.

Apart from the registers the wealth of material is such that it is impossible to do more than speak of certain classes of outstanding importance. First I should like to say something of the routine documents connected with the clergy, a little about the ecclesiastical court records, and then to speak with slightly more detail of the visitation records.

To take the records of the clergy in the order in which they would occur, the first would be the letter testimonial to the character of the ordinand before he could be admitted to holy orders.

> To the right reverend father in God William by God's permission byshop of Lincolne the president and fellowes of Pembrook Hall in Cambridge wisheth grace and peace from God.
>
> Whereas it is necessary that they which shalbe admitted to any ministerie in Christ's church should not only be of habilitie in learninge and knowledge but also of a godly conversation and livinge as the Apostles witnesseth and for as mooch as your Lordship cannot have knowledge of the conversation and livinge of all such as may be presented unto you: we the president and fellows of the Colledge or Hall of Mary Valence commonly called Pembrook Hall in Cambridge doe testifie and witnesse unto you and unto the church of God that if the bringer hereof Paul Wilkinson Master of Arts of our said colledge shalbe found meet and

[1] *Op. cit.*, Introduction, pp. x, xi.

able in learning that his conversation and livinge is and hath ben with us in such sort and manner as may not be any lett or hinderance of his admission to the ministerie of the church. In witnesse whereof unto these presents we have subscribed our names. Given at our said colledge the second of August, 1594.

Henry Farr
Samuel Harsnett
Henry Brampton
Walter Whalley
Richard Buckenham
William Rich
John Feilde
Randulph Barlow
Cuthbert Curwen [1]

There are in all ten boxes of letters testimonial and dimissory from 1490 to 1840, but chiefly between 1660 and 1700. Each box probably contains about 200 letters, but they have not yet been repaired or calendared, and probably not all are testimonials for the clergy ; some may be for schoolmasters. It is clear from comparison with the Ely records that the collection is incomplete [2] : many of the annexed papers such as baptismal certificates do not survive and it seems as if the subscription books for ordinands, which also exist at Ely, are lost for Lincoln. The registrar has them after 1840, but there are none for the earlier period, though subscription books 2, 6 and 7 contain some ordinands' subscriptions. The absence may I think be accounted for by the fact that many post-Reformation ordinations took place at Buckden and probably the books were destroyed when the palace was sold, because they were not considered to be worth keeping.

The records of ordination and licensing as curate are to be found in the registers. When the clerk was fortunate enough to obtain a benefice the patron sent to the bishop the document known as a presentation deed, stating that

[1] L. T. and D., 1594/no. 4.
[2] A. Gibbons, *Ely Episcopal Records* (1891), pp. 1–3.

the living was vacant and the patron desired the institution of the clerk named in the deed. It was sealed and, from the sixteenth century, signed by the patron and was endorsed by the notary public attending the institution with the statement that such a ceremony had taken place. These deeds are preserved in large numbers from 1474.

Subscription to the articles was required at the time of institution and these proofs of orthodoxy are recorded in the Subscription Books, where the earlier entries were written by the clerk himself, for example: "Tertio marcii 1573 (1574) Ego Benetus Smith admissus ad rectoriam de South Witham volens subscripsi." [1] After the Restoration, printed books were produced with three entries on a page which the clerk simply signed. These included the oath of non-resistance. There are seven clerical subscription books, the earliest and latest dates being 1560 and 1753, but there are serious gaps, notably between 1577 and 1613 and again between 1704 and 1723.

The presentees to livings in some cases, if not in all, were required to give bonds for £300 to the bishop "to defend, save and keep him harmless" if any litigation should arise concerning the advowson. If a person other than the patron who had presented him obtained the advowson as a result of legal process, the presentee was to resign if requested to do so. The penalty for non-performance was usually £300. Of these bonds there are two boxes, covering the period 1501 to 1732. Either many are lost or they were only exacted when the bishop had reason to fear litigation.

The induction mandates form part of the archidiaconal collections. For Lincoln archdeaconry, which until 1867 covered the greater part of the county, containing 23 rural deaneries as against 4 in Stow, there are two boxes of mandates, covering the period 1668 to 1850. There are in

[1] Subscription Book 1, fo. 44. In some cases the same book was used for both ordination and institution subscriptions, e.g. nos. 6 and 7, covering the periods 1691–1705 and 1723–53.

addition two volumes of registers of inductions, from 1611 to 1692 and from 1694 to 1731 respectively. The archdeaconry of Stow has one box of mandates 1729 to 1837 and two volumes, the first from 1580 to 1610, the other 1684 to 1731.

It was, of course, by no means unusual for the incumbents not to reside in their cures, whether through plurality or for other reasons. There seem to be no copies of licences for non-residence (the actual documents being handed to the clerk concerned and by him given to the churchwardens to be deposited in the parish chest) before 1803. On looking through these, one is struck by the degree of decrepitude among the Lincolnshire clergy and their wives. James Dashwood vicar of Long Sutton has licence to be absent on account of inability to perform his duty owing to a paralytic affection and the situation of Sutton being injurious to his health: while at Heckington licence was granted on account of the vicar's constitutional complaints of twenty years' standing and particularly an asthmatic cough. Lack of a house was another reason. At Upton the vicarage house was said to be little better than a cottage and unfit for the residence of a clergyman. At Claypole the reason was the meanness of the parsonage house and its insufficiency to contain the numerous family of the incumbent, an excuse given in several other cases.

Resignations of livings are preserved from 1482 to 1741. After this date there is only one resignation and it is clear that large numbers must have perished. Sequestrations and various subsidiary documents, such as sequestrators' bonds and writs of *levari facias*, etc., from 1574 to 1855 are contained in two boxes. At present the routine sequestrations on the death or resignation of an incumbent have not been separated from the penal sequestrations following on a judicial sentence or a writ of *levari facias*.

The terriers of glebe land drawn up by the clergy and churchwardens at the times of visitations survive in considerable numbers. They are of all dates from 1577 to the

nineteenth century, and cover all the archdeaconries of the post-Reformation diocese. The early custom seems to have been to bind the terriers together in limp parchment covers: that for 1625 survives and the make-up of the earlier volumes suggests that they were similarly treated. Nine volumes with the terriers of 1577–80, 1601, 1611–13, 1625 and 1634 have been bound in modern times. The remaining hundreds are loose slips usually of parchment (the earlier ones are on paper), sorted, with a comparatively small proportion of exceptions, by parishes. The earlier ones are of the greatest importance, not merely in settling titles to disputed land or tithe even to-day, but also because they set out exactly how the strips of glebe lay in the open fields. Since in some cases they run to as many as seven pages, though others may be only half a sheet, the information to be obtained concerning the ownership of strips in a period for which in all probability no maps survive, is of the utmost importance. Field names occur in large numbers, which can be linked up with those occurring in twelfth- and thirteenth-century charters on the one hand and with modern names on the other. Their value was emphasised by Professor Stenton in the Introduction to his *Danelaw Charters* [1] and their use in solving problems of topography is illustrated in Canon Foster's list of extinct villages in the Lincolnshire Domesday [2] and in many identifications in his other works.

Of the records of ecclesiastical courts I can say little beyond a statement of the principal surviving classes. There is a good collection of citations between 1595 and 1609 of which many are the *quorum nomina* citations issued often after visitations, when as many as thirty persons may be summoned on one citation. The greater number were sent out by the Official Principal and Vicar-General John Belley, but two portfolios contain those of the bishop.

[1] F. M. Stenton, *Documents illustrative of the social and economic history of the Danelaw* (1920), pp. x, xxi.

[2] Linc. Record Soc., vol. xix, appendix i, pp. xlvii–lxxii, appendix iii, pp. lxxxvi–lxxxvii.

Many citations from 1660 onwards survive, but they are as yet among the records vaguely labelled Proceedings, which contain as well articles, libels, personal answers and sentences. These are roughly sorted into years but will, I fear, remain in their present state for a long time to come.

While it is true that the bishop's and archdeacon's courts were entirely separate in the earlier centuries after the Norman conquest, by the sixteenth century they seem to have become inextricably mixed in this diocese, probably owing to the practice of giving the office of episcopal commissary in the archdeaconry to the official of the archdeacon, a practice which is found as early as 1490.[1] Complaints were made by the clergy about the confusion in the early seventeenth century,[2] but judging from the state of the court books and other records of the Elizabethan period, which are hopelessly muddled between the two jurisdictions, the process had gone too far to be undone. It is, I think, this confusion which has led to the supposition that the courts of the archdeacons of Bedford and Huntingdon were co-ordinate with, not subordinate to, the consistory court.[3] I hesitate to agree with this view without further proof in view of the commissions to the commissaries of the late sixteenth and early seventeenth centuries, which are extant and which confer "every variety of jurisdiction" on the commissary.[4]

The earliest episcopal court book is for 1493–1504. There are eleven books for the sixteenth and twenty-four for the seventeenth centuries, the remaining fifteen covering the period 1700–1851. Of the books labelled Archidiaconal, but which are like those of the bishop partly archidiaconal partly episcopal, nine are sixteenth century, ten seventeenth

[1] V. iv/2. The practice may be still earlier: I have not examined the earlier records exhaustively.

[2] Unnumbered document in a miscellaneous collection.

[3] *Handlist of the Bedfordshire County Muniments* (1931), p. 21.

[4] e.g. Commission to Thomas Rands as commissary in the archdeaconry of Lincoln, 23 April 1569, Cij 3, fo. 9, and as commissary of Lincoln and Stow, 30 June 1595, Brown Book, fos. 136–8.

century and seven eighteenth and nineteenth century. The archdeaconry of Stow has only one sixteenth-century court book; the remaining nine cover the period 1745 to 1831. Twelve volumes of *Responsa personalia* for the late sixteenth and the first half of the seventeenth centuries are also extant.

There is a vast amount of work to be done on the procedure in the courts which would offer great scope for any student who could spare the time necessary for collecting the scattered papers relating to each case and using them in conjunction with the court books. It seems probable too, that a study of the personnel of the courts would be of interest, especially in the late sixteenth and early seventeenth centuries when most officers, proctors, advocates, registrars, deputy registrars and so forth seemed usually to have belonged to, or to have been connected with, the families of Stirrop, Walker, Chippingdale or Prigeon. As each archdeaconry had its own registrar and deputy, its own commissary and other officers, a large number of sons, nephews, and relatives by marriage could be accommodated by any one who had fairly established himself. It so happens that a certain amount of the Stirrop and Walker correspondence survives, so that lighter matters as well as diocesan business occasionally appear.[1]

The visitation records are a class of which I wish to speak in rather more detail, since they are of immense interest and importance for the student of both ecclesiastical and social history and for the later period have been largely neglected. The visitations of religious houses are known through the volumes of fifteenth-century visitations in the diocese of Lincoln published by Professor Hamilton Thompson [2]

[1] Cor/R/2–4: Correspondence of William Stirrop, registrar, 1601–9. Cor/L/1 and 2: Correspondence of Walter Walker, deputy registrar of the archdeaconry of Leicester and later secretary to the bishop.

[2] Linc. Rec. Soc., vols. vii, xiv, xxi. Issued simultaneously by the Canterbury and York Soc., vols. xvii, xxiv, xxxiii. Three further volumes dealing with the period 1519–36 and containing secular as well as monastic visitations are now in the press.

and Mr. Cheney's [1] work on episcopal visitations in the thirteenth century, but less use has been made of the secular visitations. Few have appeared in print. Dr. Salter has edited a visitation of Oxford archdeaconry in 1520 [2]; Dr. Peyton has printed the churchwardens' presentments in Oxfordshire peculiars [3]; and Mr. Usher in his *Reconstruction of the English Church* used the records of Ely and other dioceses.[4] But for the post-Restoration period the only notable volumes are the *Speculum Dioceseos* compiled from the returns to questions of Bishops Wake and Gibson in Lincoln diocese [5] and Archbishop Herring's visitation returns in the diocese of York in 1743.[6] It was the opinion of the late Bishop Frere that the visitatorial system perished in the Civil War. If he had had access to the Lincoln archives he would certainly have qualified such a view with regard to this diocese. In 1662 the bishop conducted as detailed an inquisition as any of his predecessors and it is noteworthy that in 1663 the archdeacon of Lincoln also set in motion his machinery and from this time held both Easter and Michaelmas visitations, a practice for which I can find no evidence earlier. Whether the procurations were divided between the two occasions or whether the archdeacon managed to exact a double fee, I have not yet ascertained.

Visitation records comprise the following classes which I propose to describe more or less briefly as need requires. Citations for visitations, Clergy and churchwardens' calls, *Libri cleri*, Visitation articles, Churchwardens' presentments

[1] C. R. Cheney, *Episcopal visitation of monasteries in the thirteenth century*.

[2] H. E. Salter (ed.), Oxford Archaeological Society's *Report*, no. 70, pp. 74–117.

[3] S. A. Peyton (ed.), *The Churchwardens' presentments in the Oxfordshire Peculiars of Dorchester, Thame and Banbury* (Oxfordshire Record Society, vol. x).

[4] Roland G. Usher, *Reconstruction of the English Church*, 2 vols., 1910.

[5] Linc. Rec. Soc., vol. iv.

[6] S. L. Ollard and P. C. Walter (ed.), *Archbishop Herring's visitation returns 1743* (Yorks Archaeological Society, Record Series, lxxi, lxxii, lxxv, lxxvii, lxxix).

and certificates, visitation books and three volumes each called Speculum Dioceseos, for different periods, compiled in two cases from returns to the bishops' visitation articles.

The clergy and churchwardens' calls contain lists of the clergy by rural deaneries and usually indicate whether or not they appeared: in the case of new churchwardens the fact of their having been sworn is usually recorded. There are also single sheets for some archdeaconries which seem to have been used for the roll-call at the beginning of the visitation, since they are headed "The Rev. the clergy of the deanery of (e.g.) Walshcroft. Gentlemen answer to your names." A roll-call is still taken but now runs: "Gentlemen, draw near, and answer to your names." Few churchwardens' calls for episcopal visitations exist: there is an incomplete call for the metropolitical visitation of 1638, and a number for Buckingham, Leicester, Lincoln and Stow archdeaconries from 1679 to 1748. Bedford is represented only in 1664 and Huntingdon in 1706, with a few of the Hertfordshire parishes in 1724. For the archdeacon of Lincoln's visitations there are the loose sheets of churchwardens' calls from 1638 to 1753 and for the archdeacon of Stow 1689–1745.

The Libri Cleri or registers of diocesan clergy contain what may be described as necessary information about the clergy: when they were ordained deacons and priests and by what bishop, by whom they were presented to their benefices with the date of institution and induction, whether they have a degree, whether they are married, whether they are preachers, and whether they exercise the duty of hospitality.

> In 1576 at Maltby in the Marsh in the deanery of Calcewaith: George Lilborne ordained priest by the suffragan bishop resting on the authority of the bishop of Lincoln 1526, rector of Maltby in the Marsh (£11. 17. 6.) of the patronage of Richard Bolles, esq., and rector of Mauisenderbie [1] (£12. 11. 4.) where he resides, of the patronage of

[1] Mavis Enderby.

> William Aiscough esq : aged 82 ; not married ; admitted bachelor of canon law in the university of Cambridge 1520 ; performs the holy [mysteries] prescribed by public authority ; is moderately versed in sacred learning.[1]

In 1603 the information was shorter :

> Broughton Astley, Leicester archdeaconry. The living is an unappropriated rectory of the value of £26. 10. 10. The patron is Lord Gray, the incumbent Francis White, he is bachelor of Divinity [University not specified]. He was licenced as a preacher by the Archbishop of Canterbury, he resides and is hospitable. The communicants number 240.[2]

These *Libri* 1576–1607 were printed by Canon Foster.[3] There remain unprinted of the pre-Civil war period those for 1611, 1614 and 1634. After the Restoration there is a long series beginning in 1662 and continuing to 1812, fifty-three volumes in all. The volume for the 1662 visitation [4] is, to my mind, of the utmost importance, for the history of the church during the Civil War, the Commonwealth and the Protectorate. The particulars of the clergy for all the parishes are unfortunately not contained in it, but there are complete entries for perhaps two-thirds of the number. An analysis of the returns for the three archdeaconries of Lincoln, Stow and Bedford shows that of ninety-two persons ordained between November 1646 when Bishop Thomas Winniffe retired from active work, and 28 October 1660 when Bishop Robert Sanderson was consecrated no fewer than fifty received orders at the hands of Thomas, bishop of Ardfert and Aghadoe. Seven were ordained by the bishop of Kilmore, five by the bishop of Elphin, while in one case the bishop of Derry conferred deacon's orders, the candidate in this case proceeding to the priesthood after the consecration of Sanderson in 1660. The very high proportion of ordina-

[1] Linc. Rec. Soc., ii, 180.

[2] *Ibid.*, xxiii, 293. The entry is not quoted as it stands ; the abbreviations have been expanded.

[3] *Ibid.*, vols. ii. and xxiii.

[4] L.C., v.

tions by the bishop of Ardfert suggests, I would tentatively submit, the possibility that he was officially exercising episcopal functions in the diocese of Lincoln.[1] He was an obscure person, Thomas Fulwar, about whom I have found no information so far. It is conceivable that would-be priests went to Ireland for orders, but he is found ordaining in 1648 and every year from 1651 to 1660, and it is noticeable that out of the forty-six never more than two were ordained on the same day. This suggests that he was perhaps travelling round and holding special ordinations as occasion required. It seems to me that if such records as this exist in other dioceses we have a very valuable source of information about the church during the Civil War and Protectorate, which has not hitherto been utilised to any great extent.

The eighteenth-century *Libri Cleri* tend to be of less interest and to give less detail than the earlier ones, but they are valuable for items of information not always obtainable in the registers or elsewhere. For example, they often record the absence of the incumbent in order to take the waters at Bath, Buxton or some other spa, and the bishop occasionally adds a personal comment like one on a clergyman who failed to produce his letters of institution and later explained he had thrown them on to the fire when in a fever," a person rather to be pitied than censured." [2]

[1] As Mr. Herbert Wood has pointed out to me, the use of Irish bishops as suffragans was common for several hundred years, but I can find no evidence that any were acting in this diocese after the middle of the sixteenth century. Moreover, in examining the orders conferred, from the material for the reigns of Elizabeth and James I (Linc. Rec. Soc., vols. ii. and xxiii, and unprinted sources), one finds only very occasionally that orders have been conferred by anyone other than the diocesan bishops of England or the suffragans consecrated under the Act of Henry VIII.

[2] L.C., xxxi, 142. Other entries for the year 1768 include Skellingthorpe. John Haggard—absent—a valetudinarian—afraid of the weather (p. 184).

In 1778. Langton by Wragby, Thomas Howson. Gone to drink sea water (p. 188).

Sibsey. George Adams vicar. Lives in Little George Street, Westminster, upwards of 80 and quite childish. A great object of charity and unable to pay his procurations which are greatly in arrear (p. 99).

The Churchwardens' presentments and certificates form perhaps the most entertaining reading. At Lincoln we are fortunate in having a good collection from 1595 to 1610, with a few between 1610 and 1631. I gather from Mr. Usher's book that this is unusual for that period. Our earliest presentment, a tiny slip of paper, is fastened into the book of the visitation held by Bishop Repingdon in the archdeaconry of Leicester in 1413. It is the presentation from Barkby: "Thomas Pyper and John Taylor ate flesh after Easter without having received communion of the body of our Lord." [1]

In 1473 there is the original presentment from Linwood, the native place of the canonist: [2]

> Lynnewode.
> It his to have in mind that Thyrstan Fayreclogh has off the kyrk godys xxviii *s.* and viii *d.* and has hadd many yerys. And they chan newyr getyd howt off his handys and God knowed they had gret nede therto to witt for renewynge of ther belles. And also for a chalys for they have but on that is but lityell worth and thereffor at your reverens off gode liffe lette hym be sumwown for without my lordys help they gete it nevyr.
> Ther is a nodyr in Lyndwood his name is Waren but wot more I wot newyr that has divers timys bet his fadyr and his modyr: but as farforth as I can thynke he was newyr asolyd ther off of [*sic*] them as hadd powyr.

The presentments of the churchwardens are so many and varied that it is impossible to do justice to them in so short a time, but similar examples are probably well known to you in the churchwardens' presentments in Oxfordshire peculiars.

> Lincoln St Martin: 1608. We present Dorothy Borswell for scolding and disquieting of her neighbours.[3]
>
> Tallington. We present Thomas Capit for carrying of

[1] V.j/o/fo. 2a.

[2] V.j/4/fo. 17. This presentment together with other extracts was printed by Mr. Edward Peacock, "Extracts from Lincoln Episcopal Visitations in the 15th, 16th and 17th centuries", *Archaeologia*, XLVIII. ii.

[3] Ch. P/1608, fo. 39.

tales betwixt neighbour and neighbour to the breech of charity.[1]

[At Edlington in 1606 William Smith the younger was presented for refusing to join in the thanksgiving for the failure of the Gunpowder Plot, and commending certain priests executed for treason in Lincoln in 1605.] [2]

In 1607 Mr Roger Carter of Horncastle for having his hat on in time of divine service but he hath acknowledged his oversight.[3]

In 1608. Thomas Pallmer for playing at Bowlles in prayer time one Sonday being the 15th day of November.[4]

At Market Deeping. Alice Sherwood for resortinge divers times to one Butler who is and hathe been counted for a wizard.[5]

1609. At Tallington. Marjory Neale for slandering Elizabeth Wise in reporting her to be a witch.[6]

Then there are complaints about the clergy for various reasons, especially against Richard Carrington of Swaton, who was the subject of complaints in 1598 and 1602 [7] by his parishioners and the local justices.

After the Restoration the collection of presentments at episcopal visitations is disappointingly meagre : they have evidently been lost, but we have a very good collection for the archdeacons of Lincoln and Stow from 1663, clearly showing, I think, that the machinery was rapidly put into action again. The returns are usually fairly full until about 1700 : a large number of presentments are of persons who have refused to come to church or to have their children baptised, who have refused to pay the church rate, or who have been guilty of immorality. There is, on the whole, a decline from this time onwards in the presentment of common sleepers in church, brawlers, talebearers and Sabbath breakers. In the eighteenth century the usual return is " Omnia bene ", exceptions being made for immorality, dilapidations of church or parsonage house, and waste of the glebe.

[1] Ch. P/1609, fo. 59.
[2] Ch. P./1606, fos. 7 and 8.
[3] Ch. P./1607, fo. 34.
[4] Ch. P./1608, fo. 74.
[5] *ibid.*, fo. 77.
[6] Ch. P./1609, fo. 61.
[7] Ch. P./1598–9, fo. 51.

While the Churchwardens' presentments are the actual documents sent in, the Visitation books contain the official records made by the bishop or archdeacon's registrar, or attendant notary public. I do not propose to speak of monastic visitations as these are well known, but of the visitations of the laity. The earliest we have is that by Bishop Repingdon in Leicester archdeaconry in 1413.[1] It is a paper volume of thirty-two folios in the original limp parchment cover. The first folio is headed " Visitation of clergy and people in the archdeaconry of Leicester made on the days and at the places written below in the year of our Lord 1413 by the reverend father in God Philip lord bishop of Lincoln in the ninth year of his consecration." The entire visitation took a fortnight beginning on 1 May : one day seems to have been allotted for each deanery, the remainder of the time being given to monastic houses and collegiate churches. Folio 1*d* has the list of places where the commissary David Price was to deal with the *detecta* and *comperta* left uncompleted by the bishop. A time and place was assigned for each deanery : four deaneries were allotted one day each, Goodlaxton got two days and Sparkenhoe three. As the number of parishes is not noticeably larger than the others one can only conclude the inhabitants were more wicked. The first date was Monday, 26 June, the day after Trinity Sunday, an interval of five weeks after the completion of the visitation by the bishop. Each village of each rural deanery is then noted with information about the pensions paid from it in addition to information about every variety of wrongdoing, including several presentments for suspected Lollardy, the accused usually submitting and undergoing a white sheet penance.

Apart from the religious houses and the chapter of Lincoln, the next surviving visitation record is for 1473, when the archdeaconries of Lincoln and Stow were visited. This is an interesting volume containing the original presentment mentioned previously.

[1] V.j/o.

Two visitation books of the archdeaconry of Leicester, 1489 90, survive and one of these, in addition to a certain number of original presentments left between its pages, has an original marriage certificate dated Thursday after the feast of the Purification 1490, as well as several documents issued by the commissary in proceedings taken against a usurer in Hinkley.[1]

In 1500 the entry for Willoughton runs: "Robert Fraunces, John Fraunces, John Green, Robert Maltby parishioners of Willoughton say that the vicar does not say the divine offices according to the use of Sarum, nor does he carry the host in procession in the manner due and accustomed in these parts." [2] This raises an interesting speculation as to the particular manner of carrying the host there. With regard to the depopulation of villages, we have for Cotes by Stow the information that the only parishioners are Henry Hansard and his family,[3] a state of affairs paralleled to-day when the church stands hidden in the trees by the farm-yard and the only houses in the parish beside the farm are a few labourers' cottages.

In this visitation too we get a suggestion of the foreshadowing of the Reformation in heretical utterances at Whaplode.

> Willelmus Jollowe Walterus Louie Robertus Aleyn Edmundus Alixandre parochiani ibidem dicunt quod Robertus Scarlet notatur super pravitate heresis pro eo quod ipse in die sancte Trinitatis ad annum vix elapsum publice predicavit verba subsequencia in aula vocatur *the Abbot's hale* videlicet *I had as lever to se the sacring of a podyng as to se the sacring of a masse.* Et postea protulit verba predicta in domo Willelmi Aleyn presentibus tunc dicto Willelmo Aleyn, Johanne Thaker et pluribus aliis.
>
> [In another hand] Comparuit prescriptus ijdo die Augusti anno 1501 apud Spalding et obiectum sibi articulum per dominum vicarium generalem negat Unde habet ad purgandum se in ecclesia parochiali de Swynesheed die mercurii iiijto Augusti proximo, se quinta manu honestorum

[1] V.iv/2 and 3. [2] V.j/5,fo. 10. [3] *ibid.*, fo. 13.

virorum. [Two lines much faded have then been crossed out and the entry then continues.] xvj die Augusti anno domini millesimo quingentesimo primo in ecclesia sancti Petri de Estgate Lincoln comparuit dictus Robertus Skarlet prefatus [*sic*] et produxit Johannem Chevelen' Willelmum Averey, Willelmum Bosoin' Johannem Tylor de Whaplood in compurgatores suos et facta que tunc ibidem proclamacione publica et [? purgavit] se et dimissus. [*sic*.][1]

The episcopal Visitation books for the sixteenth century are irregular in occurrence. We have no means of knowing, until more work has been done on them, whether this is owing to irregular visitation or to loss of the books. In the earlier half of the seventeenth century the visitations were evidently fairly regular: 1604, 1607, 1608, 1611, 1614, 1618, 1621, 1623, 1625, 1631, 1635, 1636, with two metropolitical visitation books in 1638 and 1640. After the Restoration there are books for 1662, 1663–4, 1668–9 and 1671–2, but no books of this type are to be found after 1686. Whether they have perished or were discontinued it is at present impossible to say, but it may be noted that from 1760 onwards presentments were recorded at the end of the *Libri cleri*.

For the archdeacons of Lincoln and Stow as for the bishop the Visitation books are irregular. The best consecutive series of the archdeacon of Lincoln is from 1533 to 1538 inclusive, when there is a record of most deaneries for five out of six years. For Stow the earliest book is 1623. In both cases the series ends in 1686, except that Stow has two volumes for 1752 and 1757 which differ in form from the earlier records but give the substance of the churchwardens' reports on the parishes:

Wintringham Wednesday Septr 21. 1757.
Mr Thos Adams Rr
Robt Jackson, Geo Bell } Churchwardens

All well except that we don't say that there are no persons

[1] V.j/5, fo. 54ᵇ.

> who do not neglect coming to Church to hear Divine Service or to the Sacrament of the Lord's Supper neither do we say there are no Common drunckards or swearers in our parish, nor any who do not follow their ordinary vocations or Labour on the Lords day neither have the late Churchwardens given up their accounts nor is our Schoolmaster Licenced.[1]

The triennial rule of visitation was more regularly observed by the bishops of the eighteenth century. They often visited Lincoln, Stow and Leicester one year, Buckingham, Bedford and Huntingdon the next, and had the third year free. The archdeacons after 1660 visited twice a year instead of once, but it is noticeable that the presentments from 1700 onwards tend to be in nearly all cases the formal "Omnia bene" and the Visitation books cease, though as I said earlier this may be owing to loss rather than to cessation of record. I would suggest, however, that there may be some connection between this fact of formal presentation and the passing of the Toleration Act of 1689. Many of the entries in the post-Restoration books and the presentments are for non-attendance at church and for refusing to have children baptized. This negligence ceased to be a presentable offence when dissent was legally recognised and large numbers of persons, especially in puritan Lincolnshire, ceased to be the bishop's subjects.

Presentment and record in the Visitation book were not, however, the end of the affair for the guilty. Summons before the ecclesiastical court followed and those who failed to clear themselves by compurgation were visited with punishment usually involving public confession in church after the Nicene creed at morning service or before the second lesson at evening prayer in post-Reformation times. Those convicted of serious moral offences had to appear "in penitential fashion" in a white sheet, barefooted, before the Reformation holding a candle, but with a white wand substituted therefore afterwards. They were at times compelled also to stand in the market place on one or more

[1] V.iij/7, fo. 3.

successive days, but I have found no instances after the Reformation of the beatings which were not infrequently ordered in mediaeval times. In addition to public penance, a monetary contribution to the repair of church or bridge was exacted or the fine might be devoted to the poor. In 1770 the £2. 2*s*. required was distributed by the vicar of Sibsey among twenty-one persons whom, in the schedule returned to the registry, he described as "real objects of charity". Between 1750 and 1800 there are records of nearly seventy public penances,[1] of which a few were for defamation but over sixty for moral offences. Of these, twenty-one penances were performed by order in a white sheet, the last being in 1799, two others done in a white sheet at the request of the penitent, the remainder being performed in "usual apparel" as the penance schedule says. I am inclined to think, however, that the records are by no means complete, as thirty-five instances come from the archdeaconry of Stow which contained only four rural deaneries, against the twenty-three of Lincoln, and six others are from the peculiar jurisdiction of Liddington. It may be that the archdeacon of Stow was more active and that his subjects were more given to sin, but the disproportion is so great that it implies a loss of records, and suggests that the infliction of public penance was common to a later date than is generally realised.[2]

Of the information obtained at visitations by means of articles addressed to the clergy, I do not propose to speak as it is probably well known to you in the *Speculum Dioceseos* of Bishops Wake and Gibson published for the archdeaconries of Lincoln and Stow by the Lincoln Record Society.

One other group of records only I would like to mention—

[1] The penance records are at present unsorted and uncalendared, but are available for inspection.

[2] Professor Stenton's address on the Southwell Court Books first showed me the importance of the eighteenth-century penance schedules. In the Lincoln diocese a white-sheet penance is found some twenty years after the latest recorded at Southwell.

those which throw light on such secular persons as schoolmasters, surgeons and midwives, all of whom had to be licensed by the bishop. The principal sources for their history are the Letters Testimonial sent to the bishop asking that licences might be granted for them, the registers where their licences are recorded, and the Subscription Books, in which they made profession of their orthodoxy. The Letters Testimonial begin in the late sixteenth century; some sixty or seventy chiefly for the eighteenth century for schoolmasters and surgeons, which were in a collection by themselves, have been calendared and indexed,[1] but many are still mixed with the testimonials of the clergy though they can be produced for inspection. It seems probable that it is from this source chiefly that information concerning the country practitioner and country schoolmaster will most readily be obtained, since comparatively few small schools have their records and there is no local source for the history of doctors. At times points of unexpected interest emerge. At Bardney, when there were two candidates for the post of schoolmaster, the entire village seems to have voted between the two.

I have necessarily had to be selective in my choice of records, and have been guided chiefly by a desire to indicate the main classes which, it seems to me, would offer most scope for immediate research. The bishop and the committee wish that a full and free use should be made of the muniments by students, and there are many subjects waiting for attention. In the past, the diocesan registries, on the whole, have been inaccessible for prolonged periods of study. At Lincoln the office is open five days a week and we should welcome students working on subjects of any period. I hope that a handlist of the muniments, which the Pilgrim Trust is enabling us to print, will be ready by the summer of 1940, but in the meantime I should

[1] Letters Testimonial for midwives 1683–1773. Lic/M/1.
Letters Testimonial for schoolmasters 1603–1840. Lic/Sch/1–2.
Letters Testimonial for surgeons 1603–1775. Lic/Sur/1.

be glad to answer any questions on particular classes of documents if supervisors are in search of suitable subjects for would-be historians. Of the materials for genealogists I have said nothing: I think the transcripts of parish registers and marriage bonds, together with certain of the probate records, are taken for granted in a diocesan registry, and at a meeting of this Society it seemed more appropriate to confine myself to the purely historical.[1]

[1] This paper is based on the records which have been handed over to my charge. Of these the greater proportion were sorted by Canon Foster or have been dealt with subsequently. There still remain a number of boxes and bundles untouched and it is always possible that additional documents of any particular class may come to light in the Alnwick Tower where many of the modern records are kept.

THE FIRST HOUSE OF BELLÊME [1]

By Geoffrey H. White, F.R.Hist.S.

Read 12 *January* 1939

Roger de Montgomery, 1st earl of Shrewsbury, married Mabel de Bellême, the heiress of a great house which held the castles of Bellême and Alençon, Domfront and Sées, with widespread lands along the southern marches of Normandy, not only in that duchy but in the kingdom of France and the county of Maine.[2] The importance of the family is attested by its inclusion in *L'Art de Vérifier les Dates*; but the standard account in that great work was superseded in 1920 by the detailed history of the lords of Bellême published by the Vicomte du Motey.[3] Unfortunately the author's enthusiasm for his heroes overran his discretion; and as Orderic, our leading authority, paints most of them in the blackest colours, du Motey made a bitter attack on his accuracy and even on his veracity. Moreover, he made no attempt to grapple with the chronological difficulties inherent in the received descent, nor did he show any critical idea of the comparative value of his authorities; whilst his own lively imagination added picturesque details to what might otherwise have been a "bald and unconvincing narrative".

[1] I wish to express my thanks to my friend, Mr. L. C. Loyd, for his valuable suggestions and criticisms.

[2] The second house of Bellême, which descended from Robert de Bellême, eldest son of Roger and Mabel, soon split into two main branches: the counts of Ponthieu, through whose heiress Ponthieu passed to Eleanor of Castile and her husband Edward I; and the counts of Alençon, who inherited the vast estates of the first house of Bellême.

[3] *Les Origines de la Normandie et du Duché d'Alençon*; deuxième partie, Origines du Duché d'Alençon, pp. 111–306. The first part also contains a number of references to the family.

So long ago as May 1923 I read a paper on " The Early Lords of Bellême " to the Society of Genealogists, in which I discussed the early descent of the family, from a strictly genealogical standpoint [1]; and in March 1929 I examined du Motey's attacks on Orderic and rejected them as unfounded.[2] On the other side of the Channel, Professor Prentout in 1926 devoted a paper to the origin and early pedigree of the house.[3] On some questions he reached, quite independently, the same conclusions as myself; on others we are at variance.[4] I have now tried to write a short history of the lords of Bellême, in which I have done my best to distinguish facts from legends. Readers of du Motey's vivid pages will be surprised to find that for the first half of its existence the history of the family is reduced to a few isolated mentions in charters and histories, and that even its descent from the alleged founder of the house is not definitely proved, although I regard it as probable.

This alleged and probably genuine ancestor was a certain Yves, whom Orderic nearly two centuries later styled Yves de Creil, and who in or about 945 held the post of *regis balistarius* to the King of France.[5] Although *balistarius* is an ambiguous word, meaning both a crossbowman and a man who worked siege engines,[6] " regis balistarius " may fairly be taken as equivalent to *magister balistarum*, the officer in charge of the royal siege-train.[7] Presumably he was a native or inhabitant of Creil, a small town in the

[1] Afterwards printed as " The Lords of Bellême and Alençon ", in *Notes and Queries*, clii. 399–401, 417–19, 435–8 (1927).

[2] " Orderic and the Lords of Bellême ", *ibid.*, clvi. 165–68 (1929).

[3] " Les Origines de la Maison de Bellême ", in *Etudes sur quelques Points d'Histoire de Normandie*, pp. 25–47 (1926).

[4] See *infra*, and in particular Appendix B.

[5] Hoc itaque ut Osmundus, pueri paedagogus, per Ivonem de Credolio, regis balistarium, agnovit (Ord. Vit., ed. Le Prévost, iii. 88–9). For the date, cf. the editor's notes on this passage.

[6] Cf. Round, *King's Serjeants*, p. 15.

[7] " Grand maitre des balistes de France " (Du Motey, *op. cit.*, p. 68). Stapleton calls him " chief engineer to Hugh the Great " (*Mag. Rot. Scacc. Norm.*, i, p. lxxi), i.e., the duke of France, evidently overlooking the word " regis ". It is misleading to describe him as " l'un des arbalestriers du roi Louis " (Mathon, *Histoire de la Ville et du Château de Creil*, p. 27).

Beauvoisis, in the territories of Bernard, count of Senlis.[1] Nothing is known of his parentage, and it is probable that he was a new man, who had risen by his own merits.[2]

At this time the little duke Richard I of Normandy was living in the castle of Laon, in theory as the king's ward, but practically as a prisoner of state. According to the Norman historians, Louis IV intended either to murder or to mutilate the boy, then about twelve years of age ; but Yves de Creil betrayed the plot to Osmund, the duke's tutor and squire. After consulting Yves, Osmund arranged that Richard should feign illness, in order to throw the royal officers off their guard. This ruse proved successful, and one evening Osmund, muffling the boy in a russet cloak,[3] carried him out, rode off with him after sundown, and brought him safely to the castle of Coucy,[4] which was held by Bernard, count of Senlis.[5] As Creil was in the domains of Bernard, there can be little doubt that the count was involved in the plot to rescue Richard, if indeed he did not originate it.[6]

That Yves de Creil was the ancestor of the lords of

[1] Dudon (ed. Lair), p. 233.

[2] Du Motey confidently affirmed that Yves was already lord of Bellême and other fiefs, which he had inherited from his father (*op. cit.*, pp. 68, 112–13) ; but cf. White, *Notes and Queries*, clii. 418–19.

[3] This is the earliest version, given by Dudon de St. Quentin. The later story, related by William de Jumièges and Orderic, was that Osmund hid the boy in a bundle of green fodder and so carried him off to his own quarters, where he kept Richard hidden until sunset.

[4] Dudon (ed. Lair), pp. 228–31 ; Guil. de Jumièges (ed. Marx), pp. 48–9 ; Ord. Vit., iii. 87–90. Hugh de Fleury says simply that a certain knight named Osmund took Richard by stealth to the castle of Coucy (*Mon. Germ. Hist.*, ed. Pertz, ix. 383). Flodoard and Richer ignore the whole affair.

[5] According to Flodoard, in 945 Bernard attacked the King's huntsmen and hounds, and carried off their horses, etc. (Flodoard, *Annales*, ed. Lauer, p. 96). Lauer, who regards the details of Richard's rescue by Osmund as legendary, suggests that the object of this unusual act of aggression may have been to deliver the young duke (Lauer, *Règne de Louis IV*, pp. 102–3).

[6] According to William de Jumièges, Bernard was astounded when Osmund, having left the little duke at Coucy, arrived early in the morning at Senlis ; but William cannot have known such a detail. On the alleged relationship between Richard and Bernard, see Appendix A.

Bellême is accepted by all the French writers, on the authority of one of Orderic's interpolations in the *Gesta Normannorum Ducum* of William de Jumièges. William wrote that Osmund acted: "inito consilio"; Orderic added the words: "cum Ivone, patre Willelmi de Belismo".[1] William's father was undoubtedly named Yves; but for chronological reasons it is practically impossible that he was identical with Yves de Creil.[2] Another awkward fact is that, when Orderic subsequently wrote his own history, he omitted the crucial words which he had inserted in the *Gesta*, and substituted the description: Yves de Creil, the king's *balistarius*;[3] which might be taken to imply doubt of the accuracy of his former statement.

It may be regarded as certain that the two Yves were not identical, and the only question is whether Orderic confused Yves de Creil with a son of the same name, so that he was the grandfather, instead of the father, of William de Bellême, or whether he belonged to a different family. It is impossible to answer this question with certainty, but it must be borne in mind that Orderic had two special sources of information about the house of Bellême. His father, Odelerier of Orleans, was in the service of Roger de Montgomery,[4] who married the heiress of Bellême; and one of Orderic's companions in the monastery of St. Evroult was a scion of the Géré family, their hereditary enemies.[5] Accordingly Orderic is a perfect mine of information, mostly unfavourable, about the lords of Bellême; and it seems likely that his mistake was due simply to that common cause of error in genealogy, confusion between a father and son of the same name. Accordingly I adhere to the opinion that Yves de Creil was probably the father of Yves de Bellême and grandfather of William

[1] Guil. de Jumièges, pp. 48, 152.
[2] White, *Notes and Queries*, clii. 400–1, 417.
[3] Ord. Vit., iii. 88–9.
[4] *Ibid.*, ii. 416, 421; v. 134.
[5] Rainald, youngest son of Ernault d'Echauffour, who entered St. Evroult at the age of fifteen and lived there for fifty-two years (*ibid.*, ii. 110).

de Bellême ;[1] but I do not think that this descent should be stated as a fact, as it is by Prentout, who has reached the same conclusion.[2]

The later career of Yves de Creil is obscure. It has been suggested that he was the Yves who, more than thirty years later, when Paris was besieged and a gigantic German challenged the Parisians to single combat, was chosen to accept the challenge, slew the enemy and was duly rewarded[3] ; but there is no evidence of identity.[4]

Turning to charter evidence, there is the difficulty of identifying the bearer of a not uncommon christian name ; for although Orderic styles him " de Creil ", we cannot expect to find him attesting under that name in the tenth century. The first charter which he is supposed to have witnessed is a diploma of Richard I of Normandy for St. Denis, granted 18 March 968, in which the duke states that he acted at the instance of his lieges Ralf and Osmund, and which bears the " signum Ivonis ".[5] This Yves is identified with Yves de Creil by Stapleton,[6] and the conjunction of the names Yves and Osmund may support the identification, although there is the usual absence of proof.

In February 970/1 an Yves attested, with the bishop of Le Mans, the count of Maine and *vicomte* of Le Mans, a charter for the abbey of St. Julian of Tours. He may have been Yves de Creil.[7]

[1] Cf. White, *Notes and Queries*, clii. 417.

[2] Yves de Creil n'est pas le père de Guillaume de Bellême. Il est de toute nécessité d'insérer entre ces deux personnages, pour que leur généalogie concorde avec les souscriptions des chartes authentiques, Yves le Vieux de Bellême dont parlent les documents manceaux (Prentout, *op. cit.*, p. 41).

[3] Ergo de pluribus unus electus, Ivo, congressurus procedit. . . . Vir fortis praemium petiit et accepit (Richer, *lib.* III, *cap.* 76, in *Mon. Germ. Hist.*, ed. Pertz, v. 623).

[4] For later versions of this story, in which the feat of Yves is attributed to other persons, cf. Lot, *Les Derniers Carolingiens*, p. 101.

[5] Bouquet, *H. F.*, ix. 732.

[6] Stapleton, *op. cit.*, i. pp. lxx–lxxi.

[7] Du Motey, *op. cit.*, p. 116 ; for the date, cf. Mabillon, *Ann. Ord. S. Ben.*, iii. 610–11. The bishop was Seinfroy, whose sister married the younger Yves.

The next charter is one granted by Hugh, archbishop of Rouen, to Galon, abbot of St. Germain-des-Près (979–89), the attestations including: "S. Ivonis. Item S. Ivonis." [1] These are assumed by Prentout to be Yves de Creil and his son Yves de Bellême; but again there is no proof. This is true also of the following charter, issued in 981 by Hugh, duke of France, at Senlis; but the fact that it was granted for the Abbey of Homblières in Vermandois, not far from Creil, makes it more likely to be pertinent. This charter confirms a gift by Yves and his wife Geile, with the consent of his son Yves and his wife, who unfortunately is not named.[2] If Yves de Creil was the father of Yves de Bellême, it is very likely that we have them here acting together, although 981 is rather late for the elder Yves. Probably it is for this reason that Prentout proposes to identify the two witnesses with Yves de Bellême and his younger son Yves; but this is improbable, because (1) It is unlikely that the consent of a younger son would be required and that of the eldest son and heir be ignored; (2) the younger Yves was almost certainly a child, so it is doubtful if he would have a wife [3]; (3) the wife of Yves de Bellême, who survived him and was the mother of his heir William, was named Godeheut or Goheu, which would be latinized as Godeheldis, not as Geila.

[1] *Recueil des Chartes de St. Germain-des-Près* (ed. Poupardin), no. XLIV; assigned to 968–79 by Prentout, who gives the attestations as: "S. Ivonis. S. alterius Ivonis."

[2] Monachi . . . accesserunt ad Yvonem, fidelem nostrum, et venerabilem conjugem ejus Geilam . . . cum assensu fidelium nostrorum Yvonis patris et Yvonis filii uxorumque eorum. . . . Actum in castro Sylvanectensi, anno Incarnationis dominicae 981, Lothario regnante 27. . . . S. Yvonis vasalli. S. Geilae uxoris ejus. S. Yvonis filii ipsius (Lot, *op. cit.*, pp. 403–4).

[3] Here Prentout makes an extraordinary slip, for he writes: "On pourrait se demander si les deux Yves qui souscrivent la charte de 981 ne sont pas Yves de Creil et Yves de Bellême plutôt qu' Yves de Bellême et son fils Yves, puis que celui-ci est marié et que cet Yves fut évêque du Mans; mais un évêque de ce temps peut parfaitement être marié" (Prentout, *op. cit.*, p. 35). Undoubtedly, but it was not Yves who became bishop of Le Mans; it was his brother Avesgaud. The Yves who became a bishop (of Sées) belonged to the next generation.

The only other charter seems to be one for Marmoutier of uncertain date, which mentions an "Ivo veteranus"; who is supposed by Stapleton to be Yves de Creil,[1] whilst Prentout identifies him with Yves de Bellême.[2]

With the second Yves we reach firm ground at last, for in his castle of Bellême [3] he founded a collegiate church dedicated to the Blessed Virgin, and endowed it with a church in a vill of the Sonnois and the church of Vieux Bellême, three other churches and two vills, all in the Hiesmois (*in pago Oximense*). This district still formed part of France,[4] a fact which explains the grantor's wish to have his charter sealed with the king's signet. On the other hand, the Sonnois was included in Maine (*in pago Cenomannico, in vicaria Sagonensi*); and there is nothing in this charter to show that Yves held land in Normandy. Unfortunately there are no means of dating the charter [5]; for the words "hoc nostre auctoritatis testamentum" do not imply that it was of the nature of a last testamentary disposition.[6]

Also in Maine, to the west of the Sonnois, Yves held part of the march-land known as the Passais,[7] for he gave Magny-le-Désert to Gauzlin, abbot of Fleury.[8] Further, his son William, when founding the abbey of Lonlay, referred to his hereditary fiefs therein,[9] which presumably means that he had inherited them from his father.

As regards Normandy, it is probable that at least part

[1] Stapleton, *op. cit.*, i. p. lxxi. [2] Prentout, *op. cit.*, p. 41.

[3] Quam ob rem ego Ivo . . . in castro meo Belismo . . . Actum Belismo Castro (*Cart. Marmoutier pour le Perche*, ed. Barret, no. 1; Arch. de l'Orne, H. 2150, *Inv. Somm.*, ii. 49; cf. pp. iii–iv).

[4] Guil. de Jumièges—additions by R. de Torigny—p. 320; cf. De Romanet, *Géographie du Perche*, pp. 102–4.

[5] Duval dates it *circa* 1190 (*Inv. Somm., loc. cit.*).

[6] Prentout declares that "toutes les considérations denotent un testament" (*op. cit.*, p. 38), but does not explain what they are.

[7] On the Passais, which was transferred to Normandy in 1054, cf. Stapleton, *op. cit.*, i. p. lxxvii.

[8] Ivo Belesmensis . . . hujus dilecti dei [sc. Gauzlin] haudquaquam immemor extitit, Magniacum cedendo illi (*Vita Gauzlini*, ed. Delisle, no. 9).

[9] De nostris haereditariis beneficiis, quae ibidem habentur, plurima . . . conferimus (*Neustria Pia*, p. 424).

of the lands held by his son in the diocese of Sées came to William from his father; but the nearest approach to evidence seems to be a passage in William's charter for the cathedral of Sées, in which he mentions the numerous injuries which he and his predecessors had inflicted on the church of Sées.[1] *Praedecessores* is a vague term; but it seems likely that he had inherited his town of Sées and the lands that went with it from his father.

Yves de Bellême was still living in 1005, for Gauzlin aforesaid did not become abbot of St. Fleury-sur-Loire until that year.[2]

As already mentioned, the wife of Yves was named Godeheut.[3] Her parentage is unknown, but her brother Seinfroy was bishop of Le Mans and she was also sister either of Fulcoin or of his wife Rhotaïs, the parents of a great landowner named Yves, who has been persistently confused with Yves de Creil and Yves de Bellême. The argument is as follows: Avesgaud, son of Yves de Bellême and Godeheut, was the *nepos* of Seinfroy, whom he succeeded as bishop of Le Mans.[4] There can be no doubt that here *nepos* means nephew, not grandson; for although Seinfroy was married, he did not commit matrimony until he was an old man.[5] Therefore Seinfroy must have been brother either of Yves or of Godeheut. But Seinfroy is styled his

[1] Reminiscens plurimarum injuriarum quas ego et praedecessores mei Salariensi intuleramus ecclesiae (Du Motey, *op. cit.*, pp. 78, 145, citing "Cart. du Chapitre de Sées", fol. 29, where he renders "praedecessores" by "ascendants" and "ancêtres").

[2] In 1004 according to Prentout (*op. cit.*, p. 44); but although Gauzlin was nominated at the end of 1004, he did not obtain possession until 1005 (*Gallia Christiana*, viii. 1550). Until this record of the gift to Gauzlin was found by du Motey, it was supposed that the latest date for Yves was 997, a date which was due to confusion with the Yves who founded l'Abbayette (cf. Appendix B).

[3] Post obitum autem Ivonis, ego Willelmus et Godeheldis mater mea (*Cart. Marmoutier pour le Perche*, no. 1 (2).

[4] Sepulto autem Segenfrido Episcopo et Monacho domnus Avesgaudus nepos ipsius sedem episcopalem suscepit (Mabillon, *Vetera Analecta*, iii. 299).

[5] Ad cumulum damnationis suae accepit mulierem nomine Hildeburgam in senectute (*ibid.*, iii. 298).

avunculus by the other Yves who founded l'Abbayette,[1] and was therefore brother of either Fulcoin or Rhotaïs; which makes it out of the question that he was the brother of Yves de Bellême.[2]

Godeheut survived her husband and joined their son William in confirming the gifts of Yves and making further grants to the church of Bellême.[3] Their second son, Avesgaud, became bishop of Le Mans in or after 997, and had a stormy time there after the accession of Herbert I in 1016. Three times Avesgaud had to leave his see, and on the last occasion he made a pilgrimage to Palestine. He is said to have died at Verdun on his way home, 27 October 1036[4]; but he attested an Act at Angers in 1037,[5] and another at Mont St. Michel in March 1039/40.[6] Of the third son, Yves, nothing is known except that he joined in a gift by Avesgaud to St. Vincent of Le Mans.[7]

The two daughters each received from their brother Avesgaud the gift of a church which he had bought from his canons.[8] Hildeburg married Aubert le Riche, abbot successively of Jumièges and of Micy or St. Mesmin, by whom she was mother of Aubert II, abbot of Micy, father of Arnold, archbishop of Tours.[9] Godeheut married Hamon,

[1] *Cartulaire de l'Abbayette* (ed. Bertrand de Broussillon), p. 11.

[2] See Appendix B. Depoin describes her as "soeur de la comtesse Ledgarde" (*Cart. St. Martin de Pontoise*, p. 469), but gives no reason for this surprising description, which would make her a daughter of Herbert II, count of Vermandois. For an examination of Ledgarde's marriages and connexions, cf. Depoin, *Etudes préparatoires à l'Histoire des Familles Palatines*, pp. 17–21, 27–9.

[3] *Cart. Marmoutier pour le Perche*, no. 1 (2).

[4] Mabillon, *op. cit.*, iii. 299–303.

[5] *Cart. St. Aubin d'Angers*, ed. Bertrand de Broussillon, i. 3.

[6] *Cart. St. Victeur au Mans*, ed. Bertrand de Broussillon, p. 10.

[7] Ego Avesgaudus, Dei gratia Cenomannensium praesul, meusque frater Ivo (*Cart. St. Vincent du Mans*, ed. Charles et d'Elbenne, no. 12, "995–1032"; but probably *c.* 1020–30, as two of the witnesses occur in the time of their nephew Yves, Bishop of Sées. *Ibid.*, nos. 590, 629). It was believed that Avesgaud's predecessor died 16 Feb. 994/5, but he attested a charter on or after 12 Oct. 997 (*Cart. de l'Abbayette*, p. 9).

[8] Mabillon, *op. cit.*, iii. 300.

[9] Depoin, *Cart. St. Martin de Pontoise*, p. 469; cf. *Chartes de l'Abbaye de Jumièges*, ed. Vernier, nos. xv–xvii.

lord of Château-du-Loir; and one of their sons, Gervase, succeeded his uncle as bishop of Le Mans, and became archbishop of Rheims in 1057.[1]

William de Bellême was born probably within the years 960–5, although his birth is dated some twenty years earlier by du Motey,[2] who relies on the spurious foundation-charter of St. Leonard of Bellême.[3] The earliest authentic mention of William seems to occur in a passage relating to A.D. 1000, when he is said to have accompanied the king of France on his journey to Toulouse, and apparently acted as marshal of the troops.[4]

When he succeeded his father in or soon after 1005, William joined his mother in making additional grants to the chapel which his father had founded in his castle of Bellême, namely the church of Boëcé in the Corbonnais, with a colibert and his children; also two chapels in the town of Bellême, with the land adjoining the old castle, and grants in the Saosnois.[5]

On the other hand, William tried to revoke the gift made by Yves to Fleury-sur-Loire. However, impressed by the abbot's world-wide fame, he invited Gauzlin to visit him; and Gauzlin, who was a skilful horseman, mounted his steed and went. By his eloquence he not only persuaded the lord of Bellême to restore Magny-le-Désert, but obtained William's little son Benoît, to be

[1] Mabillon, *op. cit.*, iii. 305–6. His brother, Robert, was father of Gervase, whose daughter Maud married Hélie de la Flèche, Count of Maine, by whom she had a daughter Eremburg, mother of Geoffrey Plantagenet.

[2] Du Motey, *op. cit.*, pp. 84, 166.

[3] *Cart. Marmoutier pour le Perche*, no. 2; *Recueil des Actes de Philippe I^er^* (ed. Prou), no. CLXXVI. This forgery was strangely accepted as genuine by Barret, although it had been duly rejected in *L'Art de Vérifier les Dates*, xiii, 144, and by Mabillon, *Ann. Ord. S. Ben.*, iv, 381. It has since been rejected by Duval, *Archives de l'Orne, Série H, Inv. Somm.*, ii. pp. v–vii; Prou, *op. cit.*, pp. ccxix–ccxxv; Halphen, *Le Comté d'Anjou au XI^e^ Siècle*, p. 340; Lemarignier, *Etude sur les Privilèges d'Exemption . . . des Abbayes Normandes*, pp. 181 *et seq.*

[4] Contigit Guillelmum Belesmensem, castra metendi causa, curtam superius nominatae Villae-Abbatis sibi deligere (Bouquet, *H.F.*, x, 347).

[5] *Cart. Marmoutier pour le Perche*, no. 1.

made a monk. Moreover, William gave the abbey two silver candelabra.[1]

After this episode the lord of Bellême regarded the Benedictines with favour; for he gave Sainte-Gauberge-de-la-Coudre, not far from Bellême, to Bérenger, a monk of Bonneval, who built a monastery there.[2]

In 1020 Bishop Avesgaud took refuge with his brother, after excommunicating the count of Maine and placing an interdict on his territories. Thereupon Count Herbert took up arms and captured the castle of Ballon. William and Avesgaud marched against him and joined battle.[3] They were driven back, but William's vassal Géré turned the tide of battle, defeated Herbert and drove him out of the Saosnois[4]; after which peace was made and the bishop returned to his see.[5] William took Géré with him to Rouen, where the duke gave him the fiefs of Heugon, lord of Montreuil and Echauffour, to whose heiress he had been affianced; although the maiden had died before the marriage was celebrated.[6]

At Bellême William built a new castle, and the church of St. Leonard already mentioned. In the Passais, on the borders of Normandy and Maine, he constructed the castle of Domfront on a rocky platform above the gorge of the Varenne, and the abbey of Lonlay,[7] the charter for the foundation of which was attested by his wife and four of his sons, as well as by his brother the bishop.[8] In the district of Sées he built the castle of Alençon on the Sarthe.[9]

[1] *Vita Gauzlini, ut supra.*

[2] *Cart. St. Père de Chartres* (ed. Guérard), i. 155–6.

[3] Mabillon, *Vetera Analecta*, iii. 299.

[4] Ord. Vit., ii. 22–3.

[5] Mabillon, *loc. cit.*

[6] Ord. Vit., ii. 23. On his way home Géré married Gisle, daughter of Thurstan de Bastemburg, with whom he had fallen in love when he saw her by chance at dinner in her father's house (Guil. de Jumièges—interpolations by Orderic—p. 163).

[7] Guil. de Jumièges—additions by R. de Torigny—p. 254; cf. Mabillon, *op. cit.*, iv. 320.

[8] Guillelmus Princeps, et Mathildis, uxor eius, et filii eius Fulconis, et Garinus, et Guillelmus, et Robertus, miles. . . . Auesgaudus, Cenomanensis Episcopus (*Neustria Pia*, pp. 424–5).

[9] Guil. de Poitiers, in *Hist. Norm. Scriptores* (ed. Duchesne), p. 183.

In 1022 he issued the important charter for the cathedral of Sées mentioned above.

In 1024 William had some unexplained trouble with one of his sons; for the bishop of Chartres wrote to King Robert that William, having punished his son's treachery, had thrown him into prison, and he would not be freed except on the bishop's advice.[1]

When Richard III of Normandy died suddenly on 6 October 1027 and was succeeded by his brother Robert, William de Bellême rebelled against the new duke. Robert marched against him, shut him up in Alençon, besieged the castle and forced him to surrender unconditionally. The lord of Bellême was compelled to beg for mercy, approaching his suzerain with bare feet and a saddle on his shoulders. The duke then forgave him and gave him back Alençon.[2] However, he soon rebelled again and sent his sons Fulk and Robert to make incursions into Normandy; but the raiders were cut to pieces in a battle at Blavon, Fulk being slain, whilst Robert escaped with difficulty. When the evil tidings reached their father, who was already seriously ill, he collapsed and died incontinently.[3]

William's wife was named Maud, as appears from the foundation-charter of Lonlay[4]; but her parentage is unknown.[5] Du Motey argues that she was an illegitimate

[1] Dignum est scire te negotia regni tui. Noverit prudentia tua quod Guillelmus de Bellismo, ultus perfidiam filii sui, conjecit eum in carcerem, unde non egredietur, ut ait, sine consilio nostro (Bouquet, *H.F.*, x, 478). Another version of this letter reads "filii tui" (cf. *L'Art de Vérifier les Dates*, xiii, 144), which is followed by du Motey (*op. cit.*, pp. 154–5); but it is absurd to suppose that the bishop would explain to the king that he was only informing him of the fate of the king's own son because it was proper for him to know what happened in his kingdom.

[2] Guil. de Jumièges, pp. 101–2. A late Chronicle of Normandy, *post* 1250, embroiders this account with sundry details (Bouquet, *H.F.*, xi, 323), which are incorporated by du Motey.

[3] Guil. de Jumièges, p. 102.

[4] As William stated that he founded and endowed the abbey with the consent of his wife and his sons Fulk, Warin and William (*Neustria Pia*, p. 424), no doubt part of the endowment came from Maud's lands.

[5] A later story was that she descended from the traitor Ganelon (Bouquet, *H.F.*, xi. 323).

child of Richard I [1]; but I have examined this theory elsewhere and rejected it as untrue.[2] They had six sons: Fulk, Warin, Robert, Yves, William and Benoît. Fulk, so far as is known, was unmarried. Warin had died mysteriously in 1026. Orderic relates that he cut off the head of a knight named Gouhier de Bellême, who had approached him smiling, and was soon afterwards seized by a demon and strangled before the eyes of his companions.[3] Du Motey asserts that Warin killed Gouhier accidentally in jousting and was murdered in revenge [4]; but perhaps it is more likely that Warin did murder Gouhier for some reason unknown, and was himself killed by a poison yielding symptoms of suffocation, if he did not die of apoplexy.[5] By an unknown wife he had a daughter Adeline, who married Rotrou, sixth vicomte of Châteaudun, afterwards count of Mortagne.[6] Their grandson, Rotrou the Great, count of Perche, claimed the Bellême fiefs,[7] and after the forfeiture of Robert de Bellême II, was given Bellême by Henry I, whose natural daughter Maud he had married.[8] Warin also left a son Ralf, who was probably illegitimate, but may have been a legitimate child, excluded from the succession owing to his tender age.[9]

The next three sons, Robert, Yves and William, will be

[1] Du Motey, *op. cit.*, pp. 117, 297, 302.

[2] White, *Notes and Queries*, clii. 436–7.

[3] Guil. de Jumièges—interpolations by Orderic—p. 154; cf. Ord. Vit., v. 3–4, where the demon becomes demons.

[4] Du Motey, *op. cit.*, p. 153.

[5] When Aymer de Valence, earl of Pembroke, died suddenly in 1324, one writer alleged that his death was caused by an evil spirit (*Flores Hist.*, ed. Luard, iii. 223); but Mr. Jenkinson suggests that he died of apoplexy (*Archæologia*, lxvi. 406).

[6] Stapleton, *op. cit.*, i. lxxiii; De Romanet, *op. cit.*, pp. 38–40.

[7] Ord. Vit., v. 3–4, where the historian calls Warin "de Domfront".

[8] Guil. de Jumièges—additions by R. de Torigny—pp. 320, 307. In 1126, as count of Perche and lord of Bellême, he confirmed the possessions of St. Leonard of Bellême (Arch. de l'Orne, H. 2153, *Inv. Somm.*, ii, 50).

[9] With other members of the family he assented, as "Radulfo filio Warini", to a purchase by the abbot of St. Vincent, 1050–60; and he assented to a grant by Yves, bishop of Sées, as one of his nephews (*Cart. St. Vincent*, nos. 548, 545).

dealt with in turn. Benoit disappears after Gauzlin took him away to be a monk. William de Bellême also left an illegitimate son Seinfroy,[1] said to have been lord of Escures.[2]

Du Motey asserts that William bore the nickname of Talvas,[3] by which his son William was known; but this is certainly wrong.[4] The date of his death is uncertain, but it probably occurred in 1028.[5] Du Motey assigns it to 1031, which involves a hopeless contradiction in the dates; for his son Robert was taken prisoner in 1031, several years ("aliquot annos") after his father's death, as will be related below.

Robert de Bellême seems to have been allowed to enter into possession of his father's lands and castles without hindrance, the duke of the Normans being satisfied with the collapse of the revolt. According to Orderic he inherited both the power and the cruelty of William de Bellême, and for some years he harassed his neighbours in Maine and Normandy. Then he led a foray into Maine, where he was defeated and captured, and imprisoned in the castle of Ballon. After he had spent two years in captivity, William Fitz Géré and his other barons assembled an army, invaded Maine and defeated Count Herbert. Among the prisoners were a gallant knight, Walter de Surdon, and two of his sons, who were all hanged by the victors, against William's orders. When news of this atrocity reached Ballon, Walter's three surviving sons burst into Robert's cell and slew him with axes.[6]

[1] Et Seginfredo, filio Willelmi de Bellissimo (Cart. *St. Vincent*, no. 548). Atque Seinfredo (*Cart. St. Aubin*, ii. 422).

[2] Du Motey, *op. cit.*, p. 160.

[3] *Ibid.*, p. 121.

[4] Prentout, *op. cit.*, p. 42; White, *Notes and Queries*, clii. 435–6.

[5] *L'Art de Vérifier les Dates*, xiii, 145; so also De Romanet, in table on p. 98.

[6] Guil. de Jumièges—interpolations by Orderic—pp. 154–5; cf. Ord. Vit., v. 4. According to the late Chronicle already mentioned, Robert's defeat was preceded by an earlier combat which he won (Bouquet, *H.F.*, xi. 323). Du Motey objects that William Fitz Géré could not have led the relieving force, as he was a young boy at the time; an argument which depends on the accuracy of Orderic's story of his father's marriage. For the castle of Ballon and its lords, cf. Round, *Studies in Peerage and Family History*, pp. 189 *et seq.*

There is no evidence that Robert was married. He left two sons, Warin and William,[1] who were probably illegitimate.[2]

Robert's brother Yves, who soon afterwards became bishop of Sées, succeeded him as lord of Bellême ; although Orderic states that on Robert's death his brother William Talvas succeeded to his father's fief, and again that William then obtained all his father's lands [3] ; elsewhere he states that it was only after the death of William's son Arnulf,[4] or after the deaths of his brothers Warin, Robert and William, that Yves inherited Bellême.[5] Yet it is certain from charter evidence that Yves was lord of Bellême before he became a bishop in 1035. In a charter for St. Vincent of Le Mans he styles himself " Belismi castri princeps " [6] ; and in his charter granting St. Gauberge to St. Père de Chartres he mentions that St. Gauberge is in the Bellêmois and refers to the king of France as his lord, from whom he holds the fee.[7] His immediate succession to Robert is confirmed by the later narrative appended to the charter.[8] He was also in possession of the Sonnois.[9]

[1] Annuentibus etiam Warino et Willelmo filiis Roberti (*Cart. St. Vincent*, no. 548). Warin is mentioned in another charter (*ibid.*, no. 545), and both brothers attest two other charters (*Cart. Marmoutier pour le Perche*, no. 6 ; *Cart. St. Aubin*, ii. 421–3).

[2] They may be the William the Bastard and Warin his brother whose names appear in two other charters (*Cart. St. Vincent*, nos. 573, 629). The second charter mentions William's fief at Contilly.

[3] Guil. de Jumièges—interpolations by Orderic—pp. 155, 161.

[4] *Ibid.*, p. 165.

[5] Ord. Vit., ii. 46.

[6] *Cart. St. Vincent*, no. 834. Cf. : " Hoc scriptum firmavit Ivo in festivitate sancti Leonardi, in Belismi castro " (*ibid.*, no. 835).

[7] Unde ego Ivo . . . locellum Sanctae Gauburgis, in territorio Belismensi situm . . . domno meo Hainrico regi, ex cujus beneficio est, me corroborandum tradidisse (*Cart. St. Père de Chartres*, i, 155–56).

[8] Post mortem vero Willelmi comitis et Rodberti filii ejus, quem securi inimici ejus in carcere positum interfecerunt, Ivo, frater Willelmi, in honore succedens (*ibid.*, p. 157). The writer is wrong in styling William a *comes*, unless this is intended to represent *princeps*, and in making Yves his brother instead of his son. That Yves was the son of William is proved by his own charters (*Cart. St. Vincent*, nos. 587, 611).

[9] This is duly pointed out by Du Motey, who was the first writer to realise that Yves succeeded Robert as lord of Bellême (*op. cit.*, p. 169).

About two years after he had succeeded as lord of Bellême, Yves became bishop of Sées. Orderic, who gives so unfavourable a picture of other members of the family, is quite complimentary to Yves. The bishop, he relates, was sagacious and affable, witty and jovial, well-read and handsome, and anxious for peace.[1] He held the see for thirty-five years and charter evidence proves that he remained the lord of Bellême. It is unnecessary to deal with his life in detail, and I pass to his brother, William Talvas.

William was always known by this nickname, probably because Bellême was held by his brother.[2] A "talvas" was a kind of shield,[3] and according to Orderic, William's grandson Robert was so called because of his "duritia"[4]; meaning presumably that he was as hard as a shield, or callous.[5] Although this seems to be the historian's explanation of the nickname, Le Prévost states that William was given that sobriquet because he was accustomed to carry a shield so named,[6] and Stapleton that he was so called from the shape of his shield.[7] Du Motey asserts that the nickname was given to William's father because, as lord of the southern marches, he was metaphorically the shield of Normandy.[8] In support of this explanation, he cites Abbot Durand's epitaph on William's daughter Mabel, in which she is called "scutum patriae"[9]; but this is more

[1] Guil. de Jumièges—interpolations by Orderic—p. 165; Ord. Vit., ii. 46.

[2] Cf. White, *Notes and Queries*, clii. 436.

[3] In 1200 the Constable of the Tower of London was paid 4 shillings for buying "quasdam taleuatias" (*Pipe Roll* 2 John, p. 149).

[4] Ord. Vit., iii. 422. But this Robert, the son of Roger de Montgomery and Mabel de Bellême, was always styled Robert de Bellême, not Robert Talvas. Du Motey has written a life of Robert as: *Le Champion de Normandie: Robert II de Bellême*, in which he exalts him as a noble patriot, instead of the monster of cruelty portrayed by Orderic.

[5] "Férocité" in *L'Art de Vérifier les Dates*, xiii. 145–6; "hardness of heart", in Stapleton, *op. cit.*, i. p. lxxii.

[6] Ord Vit., iii. 422, n. 1.

[7] Stapleton, *op. cit.*, i. p. lxxii.

[8] Du Motey, *op. cit.*, p. 121.

[9] Ord. Vit., ii. 412.

likely to have been an ingenious pun on her father's nickname than its origin. Whatever its original meaning, such of his descendants as were named William were often styled or assumed the style of Talvas as an honorific suffix.[1]

William Talvas is the best known of all the members of his house [2]; but it is certain that he was never lord of Bellême. It is difficult to account for Orderic's statement that on the murder of his brother Robert, he succeeded to the whole of his father's property.

It may be suggested tentatively that his brother Yves, being a priest, allowed him to hold the Norman lands and castles, and left it to him to gain possession of the family estates.[3] This he did, says Orderic, with the aid of his vassals and especially of William Fitz Géré; which clearly implies that they were in alien hands. Probably the count of Maine had followed up his capture of Robert by seizing some of his lands. According to Orderic, William Talvas followed in the footsteps of his relations in perfidy and surpassed them in cruelty and wickedness. He caused his first wife to be strangled by two of his minions on her way to church, because she loved God and would have nothing to do with her husband's misdeeds.[4]

Orderic also accuses William of cowardice, but perhaps

[1] Du Motey, *op. cit.*, p. 121. A nickname was apt to become attached to a particular christian name. Thus the second count of the Normans was known as William "Longsword"; and this sobriquet was assumed by or given to Henry II's brother William (Stenton, *Early Northamptonshire Charters*, no. vii), and his nephew William—Henry's illegitimate son—afterwards earl of Salisbury. Again, the sobriquet "Martel", borne by Geoffrey II of Anjou, was revived for Geoffrey IV. Geoffrey V was styled "Plantagenet"; and Wykes gives that "cognomen" to his grandson Geoffrey—son of Henry II (*Ann. Mon.*, ed. Luard, vol. iv, p. 37); although that may be a late error.

[2] He is probably best known through Wace's story that he cursed the future Conqueror, when he saw him lying in his cradle at Falaise (*Roman de Rou*, ed. Andresen, ii. 147). As Wace calls William Talvas "le vieil", there seems to be some confusion between father and son.

[3] Du Motey holds that Yves and William divided the family estates after Robert's death (*op. cit.*, pp. 169–70).

[4] Guil. de Jumièges—interpolations by Orderic—pp. 155, 161, 162.

unjustly; for he captured a great Cenomannian baron, Geoffrey de Mayenne, in some fight unknown. He then refused to release his prisoner, unless the castle of Montaigu, which he greatly feared, was destroyed. This castle, though in Maine, belonged to William Fitz Géré, who voluntarily destroyed it in order to obtain Geoffrey's release; in gratitude for which, Geoffrey built him a castle at St. Cénery on the Sarthe.[1]

Perhaps Talvas resented William's fidelity to his other lord; or he may have been actuated by envy, as Orderic relates. He invited his greatest vassal to attend his second wedding, and William Fitz Géré went, disregarding the warnings of his brother Ralph the Clerk, who foretold serious disaster. The bridegroom seized him and cast him into prison; and gave his ruffians secret instructions to mutilate William horribly before releasing him.[2]

Thereupon the brothers and kinsmen of his victim flew to arms and ravaged the lands of Talvas with sword and fire even up to the gates of his castles; for William did not dare to meet them in the field. Finally his son Arnulf, with the consent of his barons, headed a revolt, turned him out of his castles and drove him into exile. For a long time Talvas wandered about, but eventually he took refuge with one of the greatest barons in Normandy, Roger de Montgomery. To him the exile offered the hand of his daughter, with all the lands which he had lost; and Roger, foreseeing the chance of future gain, accepted the bride and received the wanderer into his household.[3] After this Talvas disappears from history; but it is likely that, with the support of Roger, who was high in favour with Duke William, he recovered his lands after his son's death; for he confirmed a gift of his brother Yves to St. Aubin of

[1] Orderic, ii. 27–8.

[2] *Ibid.*, ii. 15; Guil. de Jumièges—interpolations by Orderic—pp. 162–3.

[3] *Ibid.*, pp. 164, 169; Ord. Vit., ii. 15.

Angers within the years 1060–2.[1] Probably he died soon afterwards.[2]

His first wife, Hildeburg, was the daughter of a noble named Arnulf, who has not been identified. By her he had two children, Arnulf and Mabel.[3] Talvas married secondly a daughter, whose name is not recorded, of Ralf de Beaumont, hereditary *vicomte* of Le Mans, styled *vicomte* de Beaumont. She may have been the mother of his son Oliver, who is usually regarded as illegitimate; probably because the family lands eventually passed to his sister of the half-blood. It is possible that he was legitimate and was excluded from the succession through a private arrangement between his father and Roger de Montgomery, with the approval of the duke of Normandy.[4] He served long and honourably in the wars and in his old age became a monk at Bec.[5]

After Arnulf had driven out his father, he followed in his evil ways and soon came to a bad end. When

[1] Firmantibus idem donum meum Guillelmo fratre meo. . . . (*Cart. St. Aubin*, ii. 421–23; photograph at end of vol. iii). Although assigned by the editor to the reign of Herbert I, Count of Maine (d. 1036), it certainly belongs to the period (1060–2) when Herbert II was restored after the death of Geoffrey Martel, count of Anjou, who had turned the boy out.

[2] It was formerly supposed that Talvas died before 1050; but du Motey argued (*op. cit.*, p. 216) that a charter of Yves, confirmed by his brother William (*Cart. St. Vincent*, no. 545), belonged to 1053.

[3] Guil. de Jumièges—interpolations by Orderic—p. 162.

[4] Orderic calls him Arnulf's "germanus", a term which he uses elsewhere for a legitimate brother of the half-blood *ex parte paterna* (Ord. Vit., iii. 347). In a charter of Bishop Yves, his gift is confirmed by "nepotibus meis Oliverio Warino Willelmo et Mabilia nepte mea. Praeterea omnibus spem hereditatis in me habentibus." The subscriptions of Mabel and her husband Roger, their infant son Robert, and Oliver, follow, but not those of Warin and William (*Cart. St. Aubin*, ii. 421–3). In another charter of Yves, Oliver's name precedes those of Warin and Ralf (*Cart. St. Vincent*, no. 545); but in a notification by the abbot of St. Vincent, Oliver's name occurs among those of his probably illegitimate cousins: "annuentibus etiam Warino et Willelmo, filiis Roberti, et Olivario, Willelmi filio, et Radulfo, filio Warini, et Seginfredo, filio Willelmi de Bellissimo" (*ibid.*, no. 548).

[5] Guil. de Jumièges—interpolations by Orderic—pp. 164–5. He is the only Oliver whose name occurs among the earlier names in the Nomina Monachorum Becci (Porée, *Hist. de l'Abbaye du Bec*, i. 628 *et seq.*).

foraging with his followers, he seized a pig belonging to a certain nun, spurned her prayers for its return, had it killed and cooked, and feasted on it to excess. That very night he was suffocated in his bed, apparently without the aid of the demons who killed his uncle Warin.[1] The date is uncertain, but he may have been living in 1048, when his name occurs as witness to a charter of doubtful authenticity.[2]

Mabel inherited her father's lands, to the exclusion of Oliver. Her husband was the third but eldest surviving son of Roger de Montgomery,[3] styled by his son "the Great,"[4] by Josceline, whose mother Senfrie was a sister of Gunnor, successively mistress and second wife of Richard I of Normandy.[5]

Mabel, says Orderic, was small, very talkative, ready enough to do evil, shrewd and jocular, extremely cruel and daring.[6] In a later passage he describes her as powerful and politic, cunning and talkative, and extremely cruel. She was hostile to the monks, except Thierry, abbot of St. Evroult, to whom she was much attached and whom she obeyed in certain matters.[7] To the abbey itself she was always inimical, because it had been founded by William Fitz Géré; but she did not dare to show overt hostility to it, because Roger loved the monks. Accordingly she

[1] Guil. de Jumièges—interpolations by Orderic—p. 164, where the author mentions that some people alleged that Arnulf was slain by Oliver; which Orderic refused to believe.

[2] Testes. . . . Yves de Belismo, Arnulfus nepos ejus (Bouquet, *H.F.*, xi. 132). The bishop would not attest in this way, but the witness might perhaps be Arnulf's great-uncle Yves.

[3] Guil. de Jumièges—interpolations by Orderic—pp. 156–7.

[4] Ego Rogerius, ex Northmannis Northmannus, magni autem Rogerii filius (Sauvage, *L'Abbaye de Troarn*, Preuves, no. III).

[5] This descent is given by Yves, bishop of Chartres (Migne, *Patrologia*, clxii. 266). Robert de Torigny makes Josceline the daughter of Gunnor's sister Wevie. He relates that Senfrie was the beautiful wife of an unnamed forester of the duke, who was attracted by her; but Senfrie managed to substitute Gunnor for herself (Guil. de Jumièges—additions by R. de Torigny—pp. 321, 323). On the sisters and nieces of Gunnor, cf. White, *Genealogist*, N.S., xxxvii. 57–65, 128–32.

[6] Guil. de Jumièges—interpolations by Orderic—p. 169.

[7] Ord. Vit., ii. 47.

burdened its limited resources by quartering herself on it frequently with a large number of troops, and flouted the abbot's rebukes. Finally Thierry warned her that if she did not repent, she would suffer; and that same night she was taken ill, and departed hurriedly.[1]

At the instance of her uncle, Bishop Yves, Mabel and Roger transferred the church of St. Martin of Sées to St. Evroult, and begged the bishop to build a monastery there.[2] It was consecrated in 1061 and Mabel endowed it with successive gifts from her estates.[3]

She carried on the feud with the house of Géré, and with Roger induced the duke to confiscate the lands of Arnold d'Echauffour, son of the unfortunate William mutilated by her father; after which she obtained a large part of his estates. In 1063, however, Arnold secured a promise of restitution from the duke; whereupon Mabel plotted to have him poisoned at the castle of Echauffour, then in her husband's hands. Being warned by a friend, he refused to drink; but Roger's youngest and only surviving brother, Gilbert de Montgomery, drank from the poisoned goblet and died. Soon afterwards the implacable lady bribed Arnold's chamberlain to make a fresh and successful attempt.[4]

Although Roger de Montgomery did not take part in the invasion of England,[5] he received a lordly share of the spoils, and Mabel de Bellême became in due course countess of Shrewsbury and lady of Arundel.[6] When her uncle

[1] *Ibid.*, ii. 52–3. No doubt the abbot doctored her supper (Planché *Conqueror and his Companions*, i. 191–2). As Mabel lived nearly 15 years afterwards (Ord. Vit., *loc. cit.*), the date was probably early in 1065. Du Motey, misreading xxv for xv and dating the death in 1082, makes the year 1057 (*op. cit.*, p. 223).

[2] Ord. Vit., ii. 46–7.

[3] Arch. de l'Orne, H. 938; *Inv. Somm.*, i. 195–6.

[4] Ord. Vit., ii. 81, 106–7.

[5] *Ibid.*, ii. 178; cf. Planché, *op. cit.*, i. 181–4.

[6] Comitatus Arundelli et Salopesberiae dono accepit (Guil. de Jumièges —additions by R. de Torigny—p. 322). However, Roger was only earl of Shropshire, although he might be styled earl of Shrewsbury, from his capital, or earl of Arundel, from the castle where he resided (cf. Round, *Geoffrey de Mandeville*, pp. 316–25).

Yves died in 1070,[1] she succeeded him in his temporal lordships, again to the exclusion of her half-brother Oliver. As Bellême was held of the king of France, this could not be due to the favour of the Conqueror, and supplies an argument against the legitimacy of Oliver.[2]

For nearly ten years more the countess continued her career of successful wickedness, in the course of which, says Orderic, she caused many nobles to be disinherited and to beg in foreign lands. One of her victims was Hugh de la Roche d'Igé, whom she had deprived of his castle. Driven to desperation, Hugh enlisted the aid of his three brothers; and on the night of 2 December 1079, when Mabel was at Bures on the Dive, they made their way into the castle. The countess was lying in bed after a bath, when Hugh burst into her chamber and cut off her head with his sword.[3]

[1] Ord. Vit., ii. 214.

[2] On the other hand, there is the succession to the French *comté* of Meulan about ten years later. When Count Hugh became a monk at Bec in 1080 or 1081, although he had two half-brothers (the sons of his father's second marriage), he was succeeded by his nephew Robert de Beaumont, whose mother was Hugh's sister of the whole blood and whose father, Roger de Beaumont, was (like Roger de Montgomery) a great Norman baron, a favourite of the Conqueror, and descended from a sister of the Duchess Gunnor. Orderic states that Robert held the *comté* by hereditary right (Ord. Vit., iii. 427; cf. Guil. de Jumièges, p. 159), and William of Poitiers calls him the nephew and heir of Hugh (*Hist. Norm. Scriptores*, ed. Duchesne, p. 202); though an English writer says that he bought the castle of Meulan from the king of France (Will. Malmesbury, ed. Stubbs, p. 483). On the whole question cf. Depoin, *Cart. St. Martin de Pontoise*, pp. 311–13, and White, *Genealogist*, N.S., xxxvi. 173–8.

[3] Ord. Vit., ii. 410–11, 432; iii. 598. For the date, cf. Appendix C. Mabel's second son, Hugh de Montgomery, afterwards second earl of Shrewsbury, pursued the murderers; but they escaped by breaking down the bridges behind them.

APPENDIX A

Richard I of Normandy and Bernard, count of Senlis

Commenting on Orderic's statement that Bernard, count of Senlis, was the *patruus* of Richard I, Le Prévost wrote : " Ce seigneur n'était ni l'oncle de Richard, ni celui de Guillaume Longue-Epée, comme le prétend Dudon." [1] However, Kalckstein propounded a theory that Bernard was brother to Popa, William's mother, and therefore son of her alleged father Berenger, whom he proposed to make a son of Pepin, son of Bernard, count of Italy.[2] As Lauer remarks, " Tout cela est bien conjectural, et a le grave défaut d'être échafaudé sur un mot de Dudon de Saint-Quentin, qui aurait besoin d'une confirmation." He then suggests an equally baseless theory : that Bernard was the son of an alleged Guiton, count of Senlis, whose daughter was alleged to be the mother of William Longsword.[3] But these theories are not only mere guesses ; they are incompatible with the little that is known about William's parentage : that he was born overseas, of a Christian mother [4]—evidently a captive taken in one of Rolf's piratical raids, as is pointed out by Prentout.[5]

It is extraordinary that all but one of these distinguished writers, while citing the passage in which Dudon makes William Longsword call Bernard his *avunculus*,[6] have overlooked the

[1] Ord. Vit., iii. 90.

[2] Kalckstein, *Geschichte des französischen Königthums unter den ersten Capetingern*, p. 128 n.

[3] Lauer, *Règne de Louis IV*, p. 5 n.

[4] This appears from the Lament for William, printed (with facsimile of MS.) by Lair, *Etude sur la Vie et la Mort de Guillaume Longue-Epée*, pp. 61–2.

[5] Prentout, *Etude Critique sur Dudon de Saint-Quentin*, pp. 130, 177, 279–80. At p. 130 n. he deals with Lair's proposal to alter the text of the Lament, in order to make it agree with Dudon's more flattering story that William's mother was daughter of a Count Berenger, and that he was born in Rouen.

[6] Dudon (ed. Lair), p. 189.

passage in which Dudon calls him the *avunculus* of William's son Richard.[1] Kalckstein has noted the contradiction, but simply rejects the second version and clings to the pedigree which he founded on the first, and which he considers "wohl richtig".[2] The true deduction to be drawn from Dudon's contradictory statements is that they are both worthless, and that it is worse than useless to try to work out a pedigree for Bernard on the basis of such data. I have no doubt that Le Prévost was right in rejecting absolutely the alleged relationship between Richard and Bernard.

[1] Dudon (ed. Lair), p. 231. Accordingly William de Jumièges calls Richard the *nepos* of Bernard. In his note on this passage, Marx refers to Lauer, but favours Kalckstein's theory as probable without naming him (Guil. de Jumièges, p. 49 n.).

[2] Kalckstein, *op. cit.*, p. 246 n.

APPENDIX B

Yves de Creil and the Founder of l'Abbayette

The early pedigree of the house of Bellême has been obscured by the persistence of French writers in identifying Yves de Creil with the Yves who founded l'Abbayette as a priory of Mont St. Michel, not earlier than October 997, i.e., fifty-two years after Yves de Creil appears as *regis balistarius*. Stapleton assumed that the founder of l'Abbayette was a son of Yves de Creil and brother of William de Bellême [1]; but Bertrand de Broussillon rejected the alleged connexion, describing the founder as "un grand propriétaire, nommé Yves, que rien ne permet, comme l'a fait dom Piolin, de rattacher à la maison de Bellême".[2] However, Duval in turn rejected this piece of iconoclasm,[3] and was followed by du Motey, who, by treating Yves de Creil, Yves de Bellême and the founder of l'Abbayette as one and the same person, triumphantly demonstrated that Yves de Creil was still living in 1005.[4]

As I pointed out, the alleged identity was chronologically incredible and there was no proof that the founder of l'Abbayette belonged to the house of Bellême.[5] Now it seems that even in France he is no longer identified with Yves de Creil or Yves de Bellême, but a new theory has been evolved: that he was a grandson of Yves de Creil and nephew of Yves de Bellême—a theory which at once exposes the chronological absurdity of identifying him with Yves de Creil. In order to grasp this new theory, evolved by Depoin and elaborated by Prentout,[6] it is necessary to consider briefly the foundation-charter of l'Abbayette.

[1] Stapleton, *op. cit.*, i, p. lxxi.
[2] Bertrand de Broussillon, *Cart. de l'Abbayette*, p. 5.
[3] Duval, *Arch. de l'Orne*, vol. ii., Introd., p. iii, n. 2.
[4] Du Motey, *op. cit.*, pp. 113, 119, 120; for earlier authorities, cf. p. 113, n. 4; also *L'Art de Vérifier les Dates*, xiii. 142.
[5] White, *Notes and Queries*, clii. 400.
[6] Prentout, *op. cit.*, pp. 32 *et seq.*

By this charter Yves founded the priory for the salvation of his soul and the souls of his father Fulcoin and his mother Rhotaïs, with the consent of his relations, namely his two sisters, Billehend and Eremburg, his two uncles (*avunculorum*), Bishop Seinfroy and William, and his kinsmen (*cognatorum*), William the clerk, Robert, Suhard and William the layman." [1]

All the French writers translate "cognatorum" by "cousins"; but as "cousin" is often taken to mean a first cousin, "kinsmen" seems a safer word, since "cognatus" would cover quite a remote relationship.[2] "Avunculus" at this date may of course mean either a paternal or maternal uncle. The founder is styled by Prentout "Yves de Fresnay", which is more convenient than correct; for although the charter was sealed at Fresnay-le-Vicomte, this castle apparently belonged to Ralf de Beaumont, *vicomte* of le Mans.[3] It will be observed that the genealogical information contained in the charter, although copious, is regrettably vague. Thus there is nothing to show whether the grantor's two uncles were paternal or maternal uncles, whether the four kinsmen were brothers, whether they were sons of Seinfroy or William or of some father or fathers not named in the charter, whether the kinship was through Fulcoin or Rhotaïs and whether it was through their own father(s) or mother(s). However, the new theory is based on the assumptions that:

(1) Seinfroy and William were paternal uncles of Yves.[4]

(2) The fourth kinsman named, William the layman, was the son of another paternal uncle of Yves.

These assumptions appear to be devoid of any foundation,

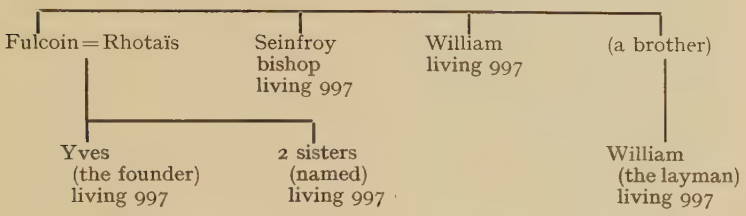
[1] *Cart. de l'Abbayette*, pp. 9–12.

[2] Dr. Poole, in his ingenious attempt to prove that Herbert the Chamberlain was an illegitimate son of Herbert II, count of Maine (*Eng. Hist. Review*, xlv. 273–281), has stretched the meaning of *cognatus* to the widest possible extent, in order to explain John of Hexham's statement that Herbert's son William, archbishop of York, was a *cognatus* of Roger, king of Sicily (Simeon of Durham, ed. Arnold, ii. 318). As I have pointed out elsewhere, Dr. Poole's explanation of their kinship, when reduced to terms of genealogy, is that the archbishop was Herbert II's illegitimate son's son, whilst the king was Herbert II's first cousin's wife's first cousin (White, *Notes and Queries*, clxii. 441).

[3] Du Motey, *op. cit.*, p. 119.

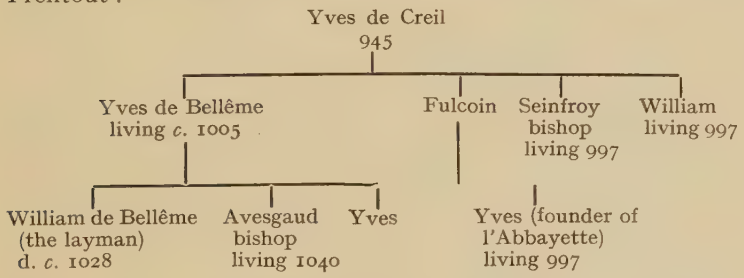
[4] As the theory under examination emanates from Depoin, it may be pertinent to quote his statement that: "Lorsque *avunculus* est employé au lieu de *patruus*, il désigne d'ordinaire un oncle issu d'un autre lit que le père" (*Etudes préparatoires à l'Histoire des Familles Palatines*, p. 10).

for there is no evidence that Yves derived the property which he was alienating from his father rather than from his mother. However, they would result in the following pedigree :



It may be added that there is no doubt that this Seinfroy was the bishop of Le Mans, who was formerly supposed to have died in February 994/5, and not the Seinfroy who was bishop of Sées at a somewhat later date, as Prentout seems to think possible ; for this point is effectively disposed of by Bertrand de Broussillon.[1]

Now it is known that Seinfroy was also the uncle of his successor, Avesgaud de Bellême ; and it is assumed that he was the paternal uncle, so that he would be a brother of Yves de Bellême, and the two families are neatly amalgamated. Finally, it is assumed that " William the layman " is no other than William de Bellême. The result of all these assumptions may be shown in a composite table, wherein Yves de Creil is placed at the head as the undoubted ancestor, according to Prentout :


Yves de Creil 945
Yves de Bellême living c. 1005
Fulcoin
Seinfroy bishop living 997
William living 997
William de Bellême (the layman) d. c. 1028
Avesgaud bishop living 1040
Yves
Yves (founder of l'Abbayette) living 997

It is not clear whether Fulcoin is supposed to be older or younger than Yves, but probably he would be a younger brother. In either case the question arises how his son Yves obtained his great estates. Of course he might have derived them from

[1] *Cart. de l'Abbayette*, p. 9. Therefore the date-limits of 997–1008 given by Prentout (*op. cit.*, p. 32) seem improbably wide.

his mother; but if so, his uncles Seinfroy and William, whose consent is recorded, would presumably be his mother's brothers—which would destroy the tentative pedigree at once.

Another difficulty is that the founder of l'Abbayette, whilst recording the consent of these two uncles (one otherwise unknown), ignores his far more important uncle, Yves de Bellême, and mentions Yves' eldest son and successor, William de Bellême, after three other kinsmen (also unknown), simply as William the layman. From the former fact Depoin deduces that Yves was dead, and from the latter Prentout deduces that William had not yet begun to style himself *seigneur* of Bellême.[1] But I would urge that supporters of the Depoin-Prentout theory are on the horns of a dilemma:

(1) If Yves de Bellême were living, as he almost certainly was, why is he ignored, when his younger brothers are mentioned and their consent is recorded?

(2) If Yves were dead, why is his son William, the great lord of Bellême, mentioned merely as William the layman, after three other kinsmen, all unknown to fame?

My own conclusion is that Yves and William de Bellême are both ignored in the charter, and that this would be impossible if Fulcoin were the brother of Yves; and therefore that the Depoin-Prentout theory is untenable.[2]

By the same argument, Bishop Seinfroy cannot have been the brother of Yves de Bellême; for if he had been, the consent of Yves would have been just as necessary as (or even more so than) that of Seinfroy, regardless of whether the bishop was brother to Fulcoin or to Rhotaïs. Therefore Seinfroy must have been brother to Godeheut, the wife of Yves de Bellême.

A somewhat different theory appears to have been adopted by Ferdinand Lot; for in a footnote to a charter of Richard II of Normandy for St. Wandrille, granted at the instance of his most faithful knight, Yves,[3] he writes: "Peut-être le même que le fondateur du prieuré de l'Abbayette, lequel, par sa mère

[1] Prentout, *op. cit.*, pp. 33, 34.

[2] It is possible that William the clerk and William the layman were identical with William dean of Le Mans and William the layman, whose names follow each other as witnesses to a charter of Hugh, count of Maine, c. 1015, being followed by that of Yves, brother of the layman (*Gallia Christ.*, xiv., Instr., col. 131).

[3] Yvonis, fidelissimi mei militis, interpellatione" . . . "Signum Yvonis militis qui hanc cartam fieri fecit" (Lot, *Etudes critiques sur l'Abbaye de St. Wandrille*, Charte no. 10).

Rothaïs, était neveu d'Ives de Creil, seigneur de Bellême." [1] This clearly implies that he still identified Yves de Creil with Yves de Bellême and supposed Rhotaïs to be his sister. For chronological reasons she cannot have been sister to Yves de Creil; and it is impossible to believe that she was the sister of Yves de Bellême, for if she were the connecting link between the two families, Bishop Seinfroy must have been her brother. On that supposition, the consent of her eldest brother Yves would have been even more necessary than that of Seinfroy. Again, this would imply that the lands given to the church were derived through Rhotaïs, which is out of the question, if she were simply a daughter of Bellême.

It is necessary to abandon the attempt to make the founder of l'Abbayette a member of the House of Bellême.[2]

[1] *Ibid.*, p. 41, n. 2.

[2] A suggestion that his father Fulcoin might have been identical with a Fulcoin, count of the Corbonnais or Mortagne, who is supposed to have been the maternal grandfather of Rotrou, count of Mortagne (De Romanet, *op. cit.*, p. 99), is clearly untenable. Again, as he was evidently dead when his son founded l'Abbayette, it is not likely that he was Fulcoin the *vicomte* who attested a charter of Fulk, count of Anjou, in 1003 and another not earlier than 1006 (*Cart. St. Aubin*, i. 157–8, 10–12; *Layettes du Trésor des Chartes*, no. 15).

APPENDIX C

Date of the Death of Mabel de Bellême, Countess of Shrewsbury

Orderic relates that Mabel was buried on 5 December, three days after the murder, but omits to mention the year.[1] The traditional date is 1082, but I have been unable to discover any authority for that year, which is given as a fact, but without a reference, in a footnote to Le Prévost's standard edition of Orderic[2] and by du Motey,[3] whilst Sauvage merely refers to Le Prévost's note on Orderic.[4]

It has long been suspected that 1082 is too late. Round[5] and Davis[6] both assign the date-limits of 1079–82 to the important charter of Roger de Montgomery for Troarn, in which he makes grants for the soul "uxoris mee Mabilie nuper defuncte". Davis went further and assigned the murder to 1077 or 1078, on the ground that, according to Orderic, "it occurred during a visit paid by William Pantulf to Robert Guiscard. This visit occurred in 1077–8. To one or other of these years, probably to 1077, we should refer the murder of the Countess."[7] This theory doubtless is more probable than du Motey's assumption that William stayed in Italy from 1077 to 1082.[8]

It must be borne in mind, however, that Davis's date depends on the accuracy of the date given by Orderic for William's visit to Italy, which may easily be a year or two out. Further it may be regarded as improbable that Mabel would be mentioned as "nuper defuncte" in a charter issued not earlier than 1079, if her death had taken place in 1077. That the charter cannot have passed before 9 September 1079 is duly noted by Davis,

[1] Ord. Vit., ii. 411. [2] "Le 5 décembre 1082" (*ibid.*, n. (3))
[3] Du Motey, *op. cit.*, pp. 273, 276. [4] Sauvage, *op. cit.*, p. 15.
[5] Round, *Cal. Docts. France*, no. 465.
[6] Davis, *Regesta*, no. 172. [7] *Ibid.*, no. 97.
[8] Du Motey, *op. cit.*, pp. 274, 279; cf. White, *Notes and Queries*, clvi. 168.

that being the date of the consecration of John, archbishop of Rouen. On the other hand, the attestation of Robert, bishop of Sées, makes it fairly certain that the death of Mabel took place before 1082, because

(1) Mabel's uncle Yves, bishop of Sées, died in 1070 and was succeeded by Robert, who held the see for nearly twelve years.[1] Although the exact date of Robert's consecration is unknown, it is unlikely that he would be living at the very end of 1082 ;

(2) Robert's successor Gerard was consecrated in 1082.[2] Now if Mabel were slain on 2 December 1082, it is improbable that Robert would have witnessed Earl Roger's charter, died and been succeeded by Gerard and that Gerard would have been consecrated, all before the end of the year, i.e., 25 December ; for the Christmas reckoning was still in force.[3]

Accordingly the limits for the charter can be fixed with fair certainty as 1079–82 and for the murder as 1078–81, unless the meaning of " nuper " is unduly stretched.

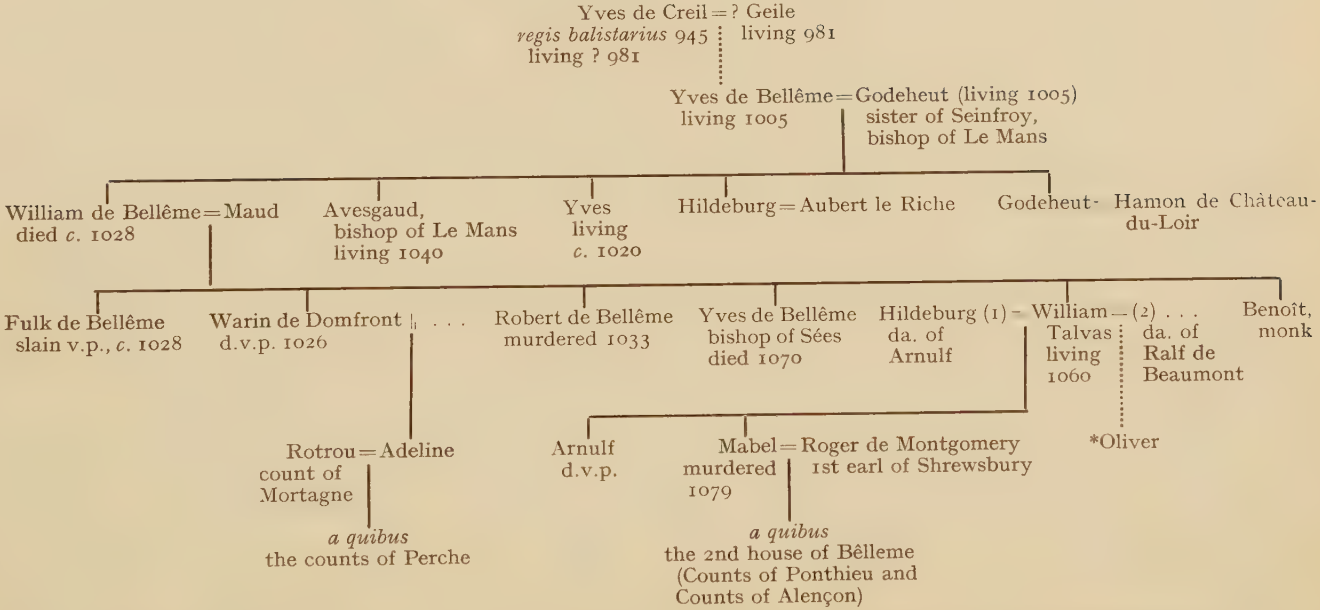
There is one argument which could be adduced in favour of 1078, but it is not of much value. Orderic states that Hugh Bunel, after the murder, fled to Apulia, then to Sicily, then to Constantinople, and finally went over to the Moslems, amongst whom he spent twenty years ; after which he joined the Crusaders at the siege of Jerusalem (June 1099).[4] This would imply that he joined the infidels in the summer of 1079, from which it might be deduced that the murder took place on 2 December 1078. But it may be argued very fairly that : (1) twenty years is merely a round figure ; (2) it is unlikely that Orderic would know exactly when Hugh joined the Moslems, and (3) he is quite likely to have made a slip in his dates or his reckoning.

For a more hopeful attempt to fix the year of Mabel's death, I am indebted to Mr. L. C. Loyd. This is based on a comparison of the long list of witnesses attesting Earl Roger's charter for Troarn with the names of the witnesses to the Conqueror's charter for Lessay which passed at Caen on 14 July 1080.[5] Both exhibit a remarkable collection of prelates and abbots, and

[1] Ord. Vit., ii. 214. [2] *Gallia Christiana*, xi. 682.
[3] Poole, *Medieval Reckonings of Time*, pp. 43–4.
[4] Ord. Vit., iii. 597–8. [5] *Regesta*, no. 125 ; cf. no. 127.

TABLE

The First House of Bellême



* It is possible that Oliver, instead of being the son of William Talvas by his second wife, was his illegitimate son by an unknown mother. See text.

no less than nine attest both charters.[1] Another witness to both is Robert Curthose, whose reconciliation with his father probably took place early in 1080. I agree with Mr. Loyd that we may regard it as practically certain that the earl of Shrewsbury issued his charter when the king and his son and all these high ecclesiastics were assembled at Caen on this occasion in the summer of 1080; and on this assumption, the murder of the countess may be confidently assigned to 2 December 1079.

[1] Mr. Loyd points out that the notable list of ecclesiastical witnesses was the result of the Council of Lillebonne at Whitsuntide (31 May) 1080. He regards the Council as of some importance in helping to fix the year 1080.

SOME FACTORS IN THE BEGINNINGS OF PARLIAMENT

By J. E. A. Jolliffe, M.A., F.R.Hist.S.

Read 10 *November* 1938

I must begin this paper by disclaiming any intention of entering into the detail of parliamentary procedure, a matter with which I am not qualified to deal. It has, however, occurred to me that certain changes in the administration of law, changes which begin early in the reign of Henry III, have some relevance to the origin of parliamentary jurisdiction. These changes arise from a new and more severe attitude on the part of the Crown towards franchise, and make necessary important modifications in the exchequer's methods of dealing with it. In time, I think, the many disputes between the Crown and the magnates about privilege, debt, and so forth, gave rise to a volume of petitions and subsequent trials which called for some tribunal in the nature of parliament, and these trials found a nucleus about the exchequer and the council. That is my thesis, and it is with these legal changes and their reaction upon the constitution that I propose to deal. The greater part of this paper is, therefore, concerned with the period before direct parliamentary record, and, indeed, before there is any true court of parliament. It goes very little beyond matters of law, and, if I am forced here and there to refer to the structure and procedure of parliament in later days, I do so very much subject to correction. Even for the early period with which I am concerned, I cannot attempt to assess the importance of that part of parliament which came from the *commune consilium* of

the realm. Nor can I determine how far the latter's composition and influence were separate factors in the formation of parliament. While recognising the futility of any attempt to set up rigid divisions between the various parts of the thirteenth-century *curia*, I am dealing here mainly with the forerunners of the jurisdiction and court of parliament. Parliament as a legislature, as the grand council of the nation, and as inheriting the providing power of the feudal baronage, is beyond my knowledge and my present intention.

We may, perhaps, best find our way into the past by remembering what the most cautious historians from Madox to Maitland tell us, that the parliaments of Edward I's day were not yet fully co-ordinated bodies; that they drew much of their virtue from the coming together at one time and place of courts and councils which had elsewhere and at other times their own proper constitutions and procedures. What unity of being parliament had was imposed upon it by the co-ordinating and over-riding presence of the king; otherwise its structure was still fluid.

> If shape it might be called that shape had none
> Distinguishable in member, joint, or limb,
> . . . . . what seemed its head
> The likeness of a kingly crown had on.

But, within this prevailing indefiniteness, one concomitant of the Edwardian parliament is plain and can be described in set terms, because description has to deal with ideas and institutions which have already been worn smooth and clear by a century of use. Those parts of the Angevin government which have already achieved a measure of separate identity, the courts of law, the court of the capital justices, of the common bench, of the justices of the Jews, and of the exchequer, have a part to play which cannot be ignored. I believe that this part of theirs had more than a little to do with the origin of parliamentary justice.

If we turn to the memoranda of the parliament of 1305

in Maitland's edition, we can see how a continuance into the time of session of parliament of the sessions of the courts was a part of parliament's very purpose and natural to its procedure. Trial during parliament was a twofold process in a form perhaps best defined by Hale, who tells us that the king and "the council received the petitions from the receivers, yet they rarely (if at all) exercized any decision or decisive jurisdiction upon them, but only a kind of deliberative power, or rather direction, transmitting them to the proper courts, places, or persons where they were proper to be decided". The subject's petition, presented in the first instance to the king and his council, and, indeed, more often than Hale's words would suggest, definitively answered by them, received, in the majority of cases, a double hearing, firstly by the whole or part of the council to ascertain the reason or non-reason of the petitioner's cause and to determine what authority might best give him relief, and secondly by that one of the permanent courts to which his plea most conveniently fell, because the matter of it was akin to its normal jurisdiction: "sequatur coram Justitiariis de Banco Regis et audiatur et fiat justitia"; [1] "adeant Cancellariam et rex vult quod justitia fiat"; [2] "ostendat cartam coram Thesaurario et Baronibus de Scaccario et fiat justitia".[3]

The nature of these dual trials is well shown in the case of Roger Mortimer, who complained in 1305 that the escheator had entered upon certain of his lands in his manor of Mawardyne on the pretence that they were king's serjeanty alienated against the rules of the tenure.[4] The king and the council gave a preliminary hearing and then remitted the case to the barons of the exchequer for the second phase of its trial, the *complementum justitiae*,[5] as the phrase then went, and, from the exceptionally full

[1] *Memoranda de Parliamento* (Rolls series), ed. F. W. Maitland, p. 131.
[2] *Ibid.*, p. 129. [3] *Ibid.*, p. 153. [4] *Ibid.*, p. 12.
[5] *Ibid.*, p. 14. Tam regi quam praefato Rogero secundum consuetudinem regni inde fieri faciant debitum et festinum justitiae complementum.

terms of the writ to the barons, it is possible to determine precisely what was done and not done both in the council and in the exchequer. In the first, *coram rege*, hearing, Mortimer's *querela* was set forth only in outline. It consisted of a statement of his title by an original grant from Prince Edmund to his father, Roger Mortimer the elder, and also of the essential matter of charters from Henry III and Edmund with a confirmation by the former. The whole was in the abstracted form used in the first stage of answers to a *quo warranto*, and it is evident that the king had neither examined Roger's charters nor heard the answer of the escheator. In this prima facie state of the cause, when Roger's plea may be said to have been made good only if he could substantiate his evidences and rebut any counter-pleading by the Crown, it was dismissed to the exchequer. There, in the hands of barons skilled in judgment of charters, in the rules of serjeanty, and in the history of the holdings in question, a *complementum justitiae* was made, which was the most substantial phase of the whole trial. The barons were ordered to " call before them into the exchequer the said escheator and Roger, and, having heard the reasons of the escheator for the king's right, as well as those of Roger for his, and having inspected, if necessary, such relevant charters and muniments as Roger might produce, to make speedy completion of justice, as well to the king as to Roger, according to the custom of the realm ".

It will be evident that the most real and searching stage of this and similar trials (for the majority of trials in the Edwardian parliaments were in this dual form) was fought out in the exchequer, and that the hearing before the council was of that deliberative and directive character of which Hale speaks. It would, perhaps, be most natural to our modern notions to give the name of parliamentary justice to the hearing before the council and to withhold it from that before the treasurer and the barons. We have no place for the exchequer in parliament and our idea of

parliamentary trial is of one before a great council which has thrust out all other elements but the peers. Yet in the thirteenth and, indeed, in the early fourteenth century, the matter was not entirely clear. These acts of judgment of the permanent courts of justice, considered as the *complementum justitiae* to the directive decisions of the king and council, seem in Edward I's day to stand upon an uncertain verge of parliament, the exact bounds of which are not yet drawn, and about them official language is still uncertain and at times contradictory. Their position was, no doubt, itself uncertain. Contemporaries saw no formal difficulty in admitting that, though judgment was made, let us say, in the exchequer, it was none the less made in parliament. They would not always nor, perhaps, often say so, but Madox has collected instances of a use of terms which is sufficient to show that such constitutional theory as then prevailed did not rule them out of parliament.

These instances and Madox's reflections upon them are worth considering and weighing. "In the 13th year of King Edward I," he says, "the Exchequer was held (as it seems) at Westminster in the King's Parliament. And in the 26th and 27th year of the same King, Robert de Coleshull came before Walter Bishop of Coventry the Treasurer and William de Carleton a Baron of the Exchequer, in the King's Parliament, and there made Fine to the King for the cause hereunder mentioned. The Exchequer was likewise holden in the King's Parliament at Westminster (as it seems) in the 2nd year of K. Edward II." [1] Madox was conscious that this was a crucial point in parliamentary history, but he added the following words with a caution which we must still follow: "let it be considered, how these Instances are to be understood. Shall we say that the Exchequer was not holden in the same place where the Parliament was held, but only at the same time? But the words of these Records seem to import more than that, and to mean the same Place. However, let the

[1] T. Madox, *History and Antiquities of the Exchequer*, ii. 7.

Antiquaries (who have a notion of the Communication there anciently was between the King's courts after the Division of them) determine, if they please, this matter." I doubt if Britton or Fleta could have determined it ; constitutional theory on such a matter as this can hardly be formed in a generation. Language in writ and record was not as yet precise about parliamentary justice, for the notion of a high court of parliament was only then gaining acceptance, and the novelty and indefiniteness of that court long survived its origin.[1] But let us assume no more than we need. If the *complementum justitiae* was not a judgment of parliament but only ancillary to such judgment—and this is, I imagine, a clearer definition than contemporaries could have made—it still had a vital relevance to parliament. It was still the complement of parliamentary justice, the final judgment to which the consideration of the council was preliminary.

In fact, judgment of parliament was itself not yet defined. We have writs upon the Close Roll that refer petitions to parliament or record respites until parliament shall meet, but they do not throw up a court of parliament in that high light in which, perhaps, we might expect to find it. They take little care to define the authority which will judge, or, if they do, they promise trial by judges who seem to us far short of being parliamentary in standing. Such writs, positive official statements that any given case is adjourned to parliament, are rare as late as even the early years of Edward I. When made, they seldom seem to be used advisedly to denote an unique jurisdiction of full parliament : that is remarked as an exception when it is intended. Indeed, I am not sure that any writ of the first decade of the reign promises redress of trial *by* parliament. Rather it is said that what is to be done will be

[1] F. W. Maitland, *Memoranda de Parliamento*, p. lxxxiv : "It is a new thing that they should see a yet higher court above that court which is held in theory *coram ipso domino rege*. The competence of this highest court is as yet indefinite."

done *in* parliament, or *during* parliament, after trial by some court or authority specified in the writ.[1]

Under Edward I this authority is usually that of the council. The justices of the king's pleas of the market are ordered to supersede their commission in the Isle of Ely until the quindene of Michaelmas 1275. The king does not wish that the bishop's liberty in the island shall be prejudiced by their office, and what he shall cause to be provided by his council shall then be done in the parliament which he will hold at Westminster.[2] The place is the parliament, the authority is the provision of the council. Or the escheator beyond the Trent is ordered to restore the manor of Kirklaw and the park of Mitford to Hugh de Eure to be held until the coming parliament, which will be at the quindene of Michaelmas next, that the king may cause that to be done by his council in the matter which ought of right to be done.[3] The time is that of parliament, the place and the authority the council. Or again, the barons of the exchequer are told to allow William de Leybourne to hold his father's lands in Rainham until the quindene of Michaelmas next, so that at the same quindene that may be done before the king and his council which ought of right to be done.[4] The authority is the council as before, the time is that of the meeting of parliament, but in the writ parliament is not named.[5]

This is vague enough to make us doubt whether trial in parliament was already and inevitably by 1275 trial by a single high court of parliament, but at least it refers to trial by the council. But we may still meet with examples,

[1] *Ibid.*, p. lxvii. "At present 'parliament' or 'a parliament' is not conceived as a body that can be petitioned. A parliament is rather an act than a body of persons. One cannot present a petition to a colloquy or a debate."

[2] *Calendar of Close Rolls 1272–1279*, p. 167.

[3] *Ibid.*, p. 200.

[4] *Ibid.*, p. 203.

[5] F. W. Maitland, *Memoranda de Parliamento*, p. lxvii: "Petitions are not addressed to parliament . . . They are addressed either simply to the king or to the king and his council. The formal title for them which is in use in the chancery is 'petitiones de consilio', 'council petitions'."

though they are growing rare, of a form of writ which ignores the council and specifies only what in the Edwardian parliament would be the *complementum justitiae*. Such writs warn us that trial during parliament need not involve the council at all, had sometimes been in the past, and occasionally still was, something much more restricted than trial *by* parliament, less exalted than trial *coram rege*, in fact, nothing more than trial by the exchequer. In May 1275 a writ to the sheriff of Somerset deferred demands upon the tenants of Wells and Glastonbury for divers fines and amercements until this same quindene of Michaelmas at which parliament was to meet. This was done "so that at the said quindene what shall be provided by the counsel of the treasurer and barons (of the exchequer) shall be done in this behalf".[1] The *complementum justitiae* alone was in this case to be done during parliament. The directive judgment of the council, the first half of the dual trial, had, it must be assumed, already been done in May and out of parliament. This is a form which has a long history in the past of parliament, and if, at first thoughts, we question with Madox whether the exchequer acting judicially upon such a writ was acting parliamentarily at all, I believe that a consideration of its past use will incline us to believe that this is a doubt which has little meaning until well on into Edward's reign and none at all in that of his father. Anticipating what will, I hope, become clear later, I would dismiss it for the moment by suggesting that it cannot rightly arise until a monopoly of parliamentary justice has been asserted by a fully developed court of parliament, until that court has established a uniform direction over the action of all the courts during parliament, and reduced their decisions to the status of a *complementum justitiae* following upon its own directive judgments.

Under Henry III we find exceptionally formulae which show an Edwardian turn of language as to judgment in parliament. William de Hastincote's outlawry was revoked

[1] *Ibid.*, p. 166.

in 1248 (almost in the terms of Fleta's famous dictum), "in curia nostra coram nobis et toto parliamento nostro".[1] But the reverse is far more usual: adjournments and respites of action will be made to the time of parliament, sometimes with an allocation of the cause to the council,[2] but more often to the exchequer[3] or to other justices,[4] with no hint that the council will further concern itself or that judgment will be given in parliament in any other sense than that of time. It is, moreover, common as we move back into the reign of Henry III, that all word of parliament should be omitted from the writs, though we may know from other sources that the day set for exchequer justice, or judgment by other courts, is that upon which parliament has been ordered to assemble.[5] The laconic indefiniteness of Edward's writs thus gives way to a precision of another kind under Henry, in which the part of the permanent courts in time of parliament, a mere *complementum justitiae* under Edward, bears a new clarity and importance, while the directive function of the council goes unmentioned. Parliament begins to appear less as a session of a high court of the council than as a season of exchequer judgment of a special kind, of special, freer, and more authoritative action by the justices.

[1] *Close Rolls 1247–1251*, p. 107.

[2] *Close Rolls 1264–1268*, p. 36. Peter of Savoy, John de Warenne, and others summoned to appear "coram nobis et consilio nostro in proximo parliamento nostro . . . justiciam facturi et recepturi".

[3] *Close Rolls 1259–1261*, p. 343. The action for debt between John de Berners and Cok fitz Aaron adjourned "usque ad parliamentum regis a die Purificacionis Beate Marie in tres septimanas ut tunc coram baronibus regis de scaccario et eis discutiatur".

[4] *Ibid.*, p. 287. The men of Faversham given respite from all distraints on account of their quarrel with the abbot "ad parleamentum proximo venturum. Et scire faciat (vicecomes) quod tunc sint coram prefato justiciario justiciam inde recepturi".

[5] *Close Rolls 1264–1268*, p. 39. The men of Brigstock and Stonor have paid tallage and it is being exacted a second time. They are given respite to the quindene of Easter "ut tunc coram baronibus nostris de scaccario eis inde plena justicia exhibeatur ibidem".

Close Rolls 1254–1256, p. 107. The Prior of Northampton's claim to immunity from tallage adjourned to the quindene of Michaelmas "ut tunc discutiatur coram baronibus regis de scaccario".

Our evidence for this is, of course, the Close Roll, upon which writs to officials ordering stay of action are recorded, usually in answer to petition, and with a view to trial at the time of parliament. For the parliament of the quindene of Easter 1260 we have writs in most of the forms that I have mentioned. The cause of the men of Faversham in dispute with the abbot was adjourned "ad proximum parleamentum proximo venturum . . . quod tunc sint coram . . . justiciario justiciam inde recepturi".[1] The sequestration of the bishop of Durham's rights in the Carlisle churches [2] and the long drawn out and important claim for the Bury St. Edmund's liberties [3] were respited *ad quindenam Pasche* without further specification. The claim of the sheriff of Essex for allowance of expenses [4] was set for the quindene that the king might then do what was right by the counsel of the barons of the exchequer. The justices of the bench were ordered to warn John de Balliol that they would attend at the quindene to hear the appeal against Robert de Sautre and others,[5] and the new writ *de sectis* ordered all those who had exacted unwarrantable suit to appear before the capital justices at Westminster at the same term.[6]

The judgment most usually promised at the quindenes is that of the exchequer barons. In this year 1260, as in others, there were a number of cases which were simply

[1] *Close Rolls 1259–1261*, p. 287. [2] *Ibid.*, p. 136.

[3] "Mandatum est baronibus de scaccario quod demandas quod faciunt abbati de Sancto Edmundo de quibusdam libertatibus quas idem abbas dicit ad se pertinere, ponant in respectum usque ad quindenam Pasche, quia rex propter transfretacionem suam discussioni illius negocii ad presens non potest intendere." *Ibid.*, p. 137.

[4] *Ibid.*, p. 32. "Ut rex tunc de consilio vestro quod justum fuerit ei fieri faciat in premissis." So, also, the executors of Henry de la Mare were given respite of debts "usque in quindenam Pasche proximo futuram ut tunc discutiatur ad scaccarium regis utrum predicti executores de predictis debitis regi respondere debeant necne."

[5] "Ponant in respectum usque in quindenam Pasche proximo sequentem: et quod idem justiciarii scire faciant predictis Roberto etc . . . quod tunc sint ibi apellum illud versus prefatos Johannem etc . . . prosecuturi si voluerint." *Ibid.*, p. 224.

[6] *Ibid.*, p. 25.

adjourned to the quindenes of Easter and Michaelmas without any statement as to which court would hear them. From the nature of many of them it is to be assumed that they would go to the exchequer. They did so because of the matter of the petitions, of the very nature of parliament justice; for claim for franchise or for relief of debt or from official action necessarily involved exchequer record, and these were some of the commonest concerns of the parliaments of Henry. So at the quindene of Easter 1261 the widow of Solomon Bishop was ordered to appear before the justices for transgression,[1] the burgesses of Oxford were to show their charters *coram rege* to prove their claim for quittance of amercements,[2] and a Jew of Gloucester was given a day before the justices of the Jews to show his tallies and chirographs and to prove his debt against Philip Marmion.[3] But the abbot of Strata Florida had respite of Jews' debts until the quindene that his indebtedness might be examined before the barons of the exchequer,[4] and the executors of the last three bishops of Ely were also to appear before the same barons to show cause why they did not pay the king's debts.[5] Similarly, to the quindene of Michaelmas 1256 a fine owed by the prior of Bath for breach of the assize of measures was respited "ut rex tunc habeat inde consilium cum baronibus nostris de scaccario",[6] twenty marks of debts were respited to Philip Marmion that the king might then cause what was right to be done "coram baronibus nostris de scaccario",[7] a fine of forty shillings for neglect of suit to the honour of Peverel was placed upon inquest in the exchequer,[8] and the barons of the exchequer were ordered to give judgment upon a claim by Humphrey de Bohun for amercements of his men for certain offences of the forest.[9] All these were left to the exchequer without the council.

[1] *Ibid.*, p. 340.
[2] *Ibid.*, p. 356. [3] *Ibid.*, p. 465. [4] *Ibid.*, p. 370.
[5] *Ibid.*, p. 464. This was for the morrow of Clausum Pasche.
[6] *Close Rolls 1254–1256*, p. 429.
[7] *Ibid.*, p. 435. [8] *Ibid.*, p. 440. [9] *Ibid.*, p. 414.

It would seem that at this early stage of parliamentary history the full council's intervention in pleas in time of parliament was not yet a matter of course. The exchequer, on the contrary, and, to a less degree, the benches, loom larger than the council. Edward's rule, that which gave his high court of parliament its characteristic form and function, the directive judgment of the council over all pleas and the *complementum justitiae* of the courts, both accorded during parliament, though it already existed,[1] was still only one of many expedients under Henry. In the latter's parliaments and legal councils the king's directive power was, indeed, used, but less systematically, and in ways of his own choosing. The dual trial in parliament was as yet little practised. More often Henry kept the trial wholly in the hands of the council or relegated it wholly and outright to the appropriate court. If he brought the council to add to the courts' knowledge and authority it was in other ways. He might send his councillors into the exchequer.[2] He might call the barons of the exchequer or other justices to advise with a few or the whole of the council.[3] He might commission a tribunal *ad hoc* in which several groups of justices were joined.[4] To all these and other combinations he might and did resort during parliament. The procedure of the session was even more adapt-

[1] " Johannes de Baillol venit coram . . . consilio regis et petiit considerationem baronum de Scaccario . . . et mandatum est baronibus de Scaccario quod judicium inde ei reddi faciant." *Close Rolls 1242–1247*, p. 104. In 1262 a doubtful assize is respited until the quindene of Michaelmas " ut tunc de consilio discretorum virorum fieri faciamus justicie complementum ". *Close Rolls 1261–1264*, p. 149.

[2] So, at the quindene of Hilary 1258, the cause of the city of London against its tallagers was tried in the exchequer in the presence of the barons of the exchequer, the earls of Warwick and Gloucester, John Mansel, Henry de Bathonia, the constable of the Tower, and others of the king's council. *Liber de Antiquis Legibus*, p. 33.

[3] Respite to the quindene of Michaelmas " ut tunc eorundem baronum et aliorum fidelium regis consilio mediante jus regis et ipsius abbatis in libertatibus predictis discutiatur." *Close Rolls 1254–1256*, p. 83.

[4] Peter de Maulay's debts respited until the quindene of Michaelmas " ut tunc per consilium baronum regis de scaccario et aliorum rex inde faciat quod de jure fuerit faciendum ". *Ibid.*, p. 132.

able than under Edward, fluctuating according to convenience from case to case and during the process of any single case. In so far as it had worked its way towards a rule of practice, it was one in which the council judged within a restricted sphere ; other courts, though for exceptional causes, maintained their accustomed field of jurisdiction, and an overriding court of parliament was not yet in regular being.

In all this, judgment *by* parliament, judgment *in* parliament, fades into judgment *during* parliament, but by the persons and authority of the barons of the exchequer or of the justices of the various commissions. The assumption must, I think, be that the directive judgment of the council was habitually accorded before parliament met and is, in fact, reflected in the close writ itself, which thus takes roughly the place of the writ *de cancellaria* which despatched the causes of Edward's parliament from the council to their *complementum* in the lower courts. On this ground our own preconception might make us deny the existence of true parliamentary jurisdiction in Henry III's parliaments, but, since contemporaries used the term, we shall be safer in saying that the distinction is between two kinds of parliament. The essential difference is, indeed, clear. In Edward's later years nearly all the petitions and pleas which reached the subordinate courts did so after a preliminary trial before the council in parliament—the king's court in his council in his parliament as it could be called—and this was, perhaps, so mainly for the simple reason that the *greater number* of them had not reached the council before the opening day. The proclamation had called petitioners to give in their claims within a week of the beginning of the session ; the council, or the auditors for them, perforce dealt with them as a single cause-sheet within the period of parliament ; and, *for the most part*, though not always, they were passed through the subordinate courts and had received their final answer before or soon after parliament's dismissal. In Henry's reign, on the

contrary, many of the pleas tried during parliament had likewise originated by petition,[1] but not *as a rule* by petition presented during parliament, rather, by casual access to the king at London, Windsor, Clarendon, or Woodstock, or upon progress, as he might most conveniently be approached throughout the year.[1] These, if he entertained them, the king already treated as petitions to receive their trial at parliament—"ostendit regi", "monstravit regi", "ex gravi querela audivit rex"; [1] but, in blunt contrast with the normal Edwardian usage, Henry as a rule gave them their first hearing in vacation as they came to him, and adjourned them outright to the coming session, either to the further consideration of the king and council or to the mere *complementum justitiae* of exchequer, chancellor, or justices.[2] So doing, Henry performed out of parliament, in the gap between the sessions, those acts of deliberative and directive judgment which were the distinctive function of Edward's council in parliament. That conciliar judgment, which came to be the focus of parliamentary justice under Edward I, is seen under his father not yet to have moved, or not fully to have moved, into parliament. It is still unattached to any special occasion, discharged in the routine of the council's judicial function, diffused through-

[1] Thus writs promising enquiry at the parliament of St. Edward 1255 were issued in answer to petition on the 14th May from Ludgershall, quia abbas Sancti Edmundi regi supplicavit (*Ibid.*, p. 83), from Woodstock on 31st May for the Hospital of Oxford (*Ibid.*, p. 196), from same place on 20th June, quia abbas de Sancto Edmundo clamavit (*Ibid.*, p. 101), from Nottingham on 20th July, monstravit nobis Willelmus (*Ibid.*, p. 212), from Northampton on 30th July, quia prior Sancti Andree Norhampt' clamat (*Ibid.*, p. 107), from Nottingham on the 1st August, quia decanus et canonici ecclesie Sancti Martini London' vendicant (*Ibid.*, p. 215), from Wark on 13th September, ostensum est regi ex parte Johannis le Poer (*Ibid.*, p. 132), and from Alnwick on 23rd September, ex gravi querela venerabilis patris L. Roffensis episcopi (*Ibid.*, p. 223).

[2] The petitions granted trial at Michaelmas 1255 were variously allocated to the council, to the king himself, to the king after scrutiny of the exchequer rolls, to the counsel of Earl Richard and other magnates, to the king with further counsel, to the exchequer and other faithful men, or to the exchequer alone, cf. the preceding note.

out the year. The king, already, as always, exercising supremacy and directive judgment over all petitions for special grace, does not yet as a rule embody and exercise that supremacy in his court in his council in his parliaments.

How parliament reflected these differences in the judicial practice of the two reigns is clear, though, of course, it is a difference of degree. Under Edward, since almost all petitions came under the consideration of the king in council in parliament, that jurisdiction was beginning to emerge as the supreme co-ordinating centre of the judicial session. In his later years, at least, the high court of parliament was a visible and omnipresent reality, giving to parliament a unity and identity which we cannot mistake, though contemporaries had as yet no certain name for it. Under Henry the council had its share of justice, as it always had, and must have from the very nature of the monarchy, and to that share the most difficult causes fell and it might hear the greatest petitioners. Nor was its right to intervene at any stage of any plea ever questioned or diminished. Moreover, though for the most part in vacation of parliament, all petitions must at some time or other have been considered by the king. Yet in parliament council's jurisdiction was not yet that of a general high court. Cause after cause that would have exercised the court of Edward's parliament in that first, directive enquiry into its prima facie reasonableness fell in Henry's parliament to the sole discretion of exchequer, chancery, or benches. Henry's council probably heard *coram rege* in parliament, from beginning to end, cases that Edward would have dismissed elsewhere after the preliminaries of pleading, but the contrast in constitutional effect is by that only increased. Edward's council (or auditors) heard all justice in parliament, and, from point to point of the cause list, the attendant courts received and obeyed its direction. Its jurisdiction was at least upon the verge of becoming in itself the jurisdiction of parliament. Henry's council appeared as but one, though the greatest, of

a group of courts working at one time and place each at its proper jurisdiction. Its function was chiefly a jurisdiction *in* parliament. In this juridical aspect the Henrician parliament is hardly a parliament in the Edwardian sense at all, at least it is not the session of a single high court but rather the coming together of the several courts, in part to hold *colloquium* with council, the predominant partner in their contemporaneous session, but still more to carry out their respective commissions in complement of justice under the shadow of the king's grace and in the fuller record and freedom that it conferred.

Whether I have presented this transition too abruptly it is for others to judge. For myself, I think that it enables us to see back into an earlier stage of history. For this ill-articulated session, this *colloquium* of the courts, which accompanies parliament but which has not yet been fused into a court of parliament, the raw material for such a court in time to come, does not seem to differ essentially from certain terminal sessions of the courts which were considering cases referred to them by the king at the later parliamentary terms, usually on petition, for some ten years before parliament became fixed in our constitution. It will have been noticed that, as with the later parliaments, the adjournment of petitions is not to the feasts or to their octaves but to the quindenes of the principal legal terms. Such adjournment is decisively older than parliament and after the latter appears it continues equally at regular terms whether parliament does or does not meet. The Close Rolls assume the presence at such seasons of the council, the exchequer, the capital justices, and the justices of the Jews, and, indeed, the routine of the courts had made it a practice of long standing. But in its beginning this was not yet a session of parliament nor did it synchronise with the sessions of the barons. Petitions were heard at the quindenes of Hilary, Easter, and Michaelmas with fair regularity, while great councils and parliaments were fewer and sometimes held at other terms. At first, indeed, the

association of the assembly of the barons with the quindenes was rare and accidental. In the year 1251 Matthew Paris speaks of a *magnum consilium* at the Purification, but none is recorded either at Easter or Michaelmas. Yet at the quindenes of those two feasts the king, the justices *coram rege*, and the exchequer, were in session, and a number of causes, many from the forest eyre and some for liberties, were heard on adjournment. Both occasions were thoroughly "parliamentary" in their judicial business and in the other judicial authorities present, but the barons were absent. This is no more than an especially striking instance of the great and special jurisdiction of the quindenes in action without formal recognition as parliament and without the magnates. It is typical of these years. In 1248 there were adjournments to four such legal occasions, at the quindenes of Hilary, Easter, St. John Baptist, and Michaelmas. The Hilary meeting was described by both treasury [1] and chancery [2] as a parliament, the first in official record. Matthew Paris calls the summer meeting a parliament, though the chancery ranks it only as a *colloquium regis*.[3] Both were attended by the magnates. But the Michaelmas quindene, to which also the characteristic judicial and executive respites were accorded, was not called a parliament, and was only attended by a few prelates and barons invited by the king to keep the feast of St. Edward with him.[4] Again, in 1249, the only important adjournments by close writs were to the quindene of Michaelmas, while the assemblies of the magnates were at the Epiphany [4] and at the Close of Easter.[4] In 1250 there was a council of the magnates at Epiphany [4] and on 7th March a great rally of the nobles to take the cross.[4] There was nothing of the sort at the quindene of Michaelmas, but the justice of debt, franchise, and redress was done equally at this

[1] P.R.O., Lord Treasurer's Remembrancer's Memoranda, 20 m. 5. (References are to the new numbering of the membranes.)

[2] *Close Rolls 1247–1251*, p. 104.

[3] *Ibid.*, p. 31.

[4] Matthew Paris, *Chronica Majora, sub anno.*

term. Not until the year 1252 does there seem to be any prospect of the legal councils and the great councils of the magnates coming together. In that year a "great parliament" [1] coincided with the quindene of Michaelmas, and there were parliaments or great councils of the barons at the quindenes of Easter 1253,[2] of Hilary [1] and Easter 1254,[3] and of Easter [4] and Michaelmas 1255.[1] The coincidence of the two institutions had by no means become a fixed rule, but it was becoming a common practice, sufficiently common, indeed, for us to have persuaded ourselves that it was necessary to a true parliament.

Beginning in 1238, reference of cases by writ close to the appropriate courts occurs after 1246 with increasing frequency at the quindenes of two or three exchequers in every year. Over a period of years this is almost always without the magnates and without the name of parliament. The occasion was royal and bureaucratic and judicial. It was, perhaps, hardly noticeable as an innovation: merely the adjournment of cases which had secured the king's interest to a fixed day from the opening of the established terms of the exchequer. Yet, since judgment by peers was seldom realised under Henry's personal rule, it embodied all the necessary resources of justice. From the legal standpoint it contained the potentiality, though it did not realise the unity, of a parliament, and it provided all that the king could gain from a supreme council of justice. It could do all that the courts were required to do "in complement of justice" in Edward's parliaments. All the courts were habitually in session. Petitions could be heard *coram rege* if they needed special authority, or referred to the exchequer if they turned on past record. The king could combine both tribunals by having charters examined critically in the exchequer and confirmed by judgment in

[1] *Ibid.*

[2] Matthew of Westminster, *sub anno.*

[3] *Close Rolls 1253–1254*, p. 43.

[4] *Close Rolls 1254–1256*, p. 61. Annals of Burton, in *Annales Monastici*, i. *sub anno.*

the council. He could afforce or correct the judgments of the king's bench or common pleas by means of a council of which Henry de Bathonia, Henry de Bracton, Roger de Turri, and Roger de Thurkelby were simultaneously members.[1] The knowledge of the council was completed by that of the justices of the courts, and the council, in its turn, strengthened and controlled the action of the standing courts. The records of the five or more permanent commissions of justice were brought to one place to supplement and correct each other. If much of the work of the quindenes went on by way of complement of justice within each of the component courts, the occasion had a potential unity, only intermittently realised, in the session of the king and council. There was in all this no sudden break with the past. Its full use was for the future. As yet no session of a single high court was recognised, still less a high court of parliament. But any plea could be taken up *coram rege* at any stage of its trial, the council could enter and afforce the courts of the justices, and their judgments were made under the corrective of the king's near presence.

Though they were only a new use for old-established sessions, these quindenal occasions were, therefore, well qualified to deal with petition. They were an epitome of the personal rule upon its legal side. Indeed, had the king guided the regime more surely, the step of combining the *colloquium* of the courts with a parliament of the magnates might never have been taken. When taken it was an advance, though, perhaps, an unconscious one, towards the revival of trial by peers. To call a great council of the nobles at the quindene of Hilary, Easter, or Michaelmas was to admit the barons into the arcana of the king's legal administration, and on more than one occasion he experienced the danger of doing so. The Bassets and their faction among the nobility brought the country to the verge of civil war by their defence of Henry de Bathonia in the magnate parliament of Purification, the quindene of

[1] *Calendar of Patent Rolls 1247–1258*, p. 451.

Hilary 1250. In that of the quindene of Michaelmas 1255 the earl of Norfolk intervened to save Robert de Rhos from the confiscation of his property as the result of a judgment *coram rege*, and this was the occasion of a personal quarrel which made the earl one of the king's bitterest enemies in 1258.

It is, indeed, remarkable that Henry allowed the *commune consilium* to meet at the same time as the special session of his courts. He did not do so as a rule until 1252. The sitting of the courts was governed by quite other considerations than was the summons to the barons. Its occasion was, as we have said, old established, judicial, bureaucratic, and royal. Its terms of meeting were fixed by the nature of the courts' business, and it did not respond to the political reasons which called together the magnates to parliament at almost any time of the year, at mid-Lent, at Ascension, or Pentecost. Nor did it meet indifferently, as the barons did, at Oxford, or Merton, or Winchester, or elsewhere. Its place of session was Westminster, and its days for considering petitions, almost without exception, the fourteenth day of one of the established legal terms. Rarely, it did such work at the quindene of Trinity, on one occasion at that of St. John. But normally, in a busy year in the 'fifties and 'sixties, those meetings which heard petitions to the king were three, and, fixed, no doubt, by the established attendance of the courts, at Hilary, Easter, and Michaelmas. By long usage the principal courts met at the feasts or their octaves, and might be expected to have made some progress in their normal routine in the first fortnight of their term. At the fourteenth day they might be ready to attend to the special jurisdiction, the petitions of the king's debtors and claimants of franchise: for, in or out of parliament, this was the matter of which the business of the quindenes upon petition, as the Close Rolls reflect it, was mainly composed.

Thus, if we take our stand in the middle 'fifties, the quindenes seem to be in process of incorporation into the

parliaments, for which they will provide a necessary afforcement of professional justiciars if parliament is to become a general court of redress. But only on an extreme baronial reading of the constitution could they, for their part, need the afforcement of the barons, and, as we trace them back, their line of origin swings away into independence. This origin is seen to emerge not from the *commune consilium* but from the permanent curia and the familiar council. The jurisdiction makes its first appearance not long before that of parliament, but sufficiently so for its priority to be clear. It is indisputably the older. There is one group of three respites to the quindene of Michaelmas 1238,[1] of which one is for the exchequer [2] and another for the exchequer of the Jews.[3] In 1246 the bishop of Winchester was given a day *coram rege* to prove his liberty of the forest [4] and two disputes as to wardship [5] were adjourned to the quindene of Michaelmas. By 1248 we are at the first year of a series in which the practice becomes a rule. Henceforth the courts do this kind of justice with fair regularity at the quindenes of Easter and Michaelmas, and less regularly at that of Hilary, and petitions and pleas are coming to be adjourned to them as to a routine *colloquium* of the courts. I think we may claim that at this stage of history we are behind parliament, which is not named in record until 1248.[6] We see the peculiar aggregation of courts and jurisdictions which was the legal body of Henry's later parliaments as an old, recurrent session of the parts of the permanent curia rather than as an essential member of the intermittent baronial assemblies. It cannot be claimed that the witness of the Close and Patent Rolls tells the whole story. Petition and respite by close

[1] *Close Rolls 1237–1242*, pp. 86, 99, 101.

[2] The plea of the abbot of Reading for the amercements of his men.

[3] "Ut tunc inquiratur apud scaccarium Judeorum."

[4] *Close Rolls 1242–1247*, p. 444.

[5] *Ibid.*, pp. 429 and 479.

[6] I exclude the chancery's reference to parleys with the Welsh and Scotch as parliaments, its according of the name of parliament to John's council of Runneymede and the use of the term outside official record.

writ may have been somewhat older than 1238, though I do not think so, or the series may have been more complete from the late 'thirties than I have been able to convince myself that it was. However this may be, it represents a phase of redress on petition slightly older than parliament but already anticipating the place of the later parliaments in the subject matter with which it deals.

How shall we account for the origin of this jurisdiction? Perhaps most easily by determining the needs and circumstances that called it into being. I would suggest that the strongest, though, of course, not the only, influence upon its development was the radical change in the Crown's attitude towards franchise which came in the middle years of Henry III. A universal movement, upon the one hand to analyse and controvert, and, upon the other, to justify, all kinds of right and obligation set in in the second quarter of the thirteenth century. The attack of the king's lawyers upon franchise, in which they began to find new methods, was minute, tireless, and prolonged, and, in my view, it had the largest share in bringing first a form of quasi-parliamentary trial and later trial in full parliament into being. The earliest hint of a systematic judicial treatment of claims for liberties comes, indeed, from a time far before parliament, when feudal rights were being roughly asserted and the government was hard put to it to keep them within bounds, that is, from the days of William Marshal's rectorship.[1] But this phase of unrest did not last, while the tension between the feudatories and the Crown became a fixed character of the reign after Henry had tested the loyalty of his vassals in 1242 and found it wanting. From 1243 we enter upon a new and more strenuous period of

[1] *Rotuli Litterarum Clausarum 1204–1224*, ed. T. D. Hardy, p. 383*b*. Rex Justiciariis itinerantibus in Comitatu Kancie salutem . . . Omnes autem demandas quas coram nobis fuerint quas homines exigunt de libertatibus videlicet quas dominus Cantuar' Archiepiscopus, G. comes de clara, vel alii exigunt in respectum ponatis usque in XV dies post festum Sancti Hyllarii coram consilio nostro apud Westmon'.

At Hilary 4 Hen. III, the council was sitting in the exchequer together with the justices of the Jews, and hearing pleas of debt. *Ibid.*, p. 410.

the majority. Henry's prospects of maintaining an adequate revenue by way of gracious aid were then at an end, and he and his officials began to turn for money to the wide and untapped field of prerogative. The period of active investigation into the rights of the Crown and the usurpations of subjects had begun.

The theory which guided it was, of course, that all franchise is of its nature royal. It was hardening towards the phrase that liberties are "regalia mere domino regi spectantia". From this flowed the consequence that no point of immunity could be established without proof of royal grant, and, with its assertion, came the need for a new means of investigation, at once more effective and more impartial. In April 1244 a general letter was issued to the sheriffs ordering them to reclaim all liberties which were not exercised by sufficient royal warrant or by ancient tenure, and which had not been used without intermission "from time immemorial until the parliament of Runneymede".[1] Its appearance was the warning of a new and stricter policy. From 1244 the Crown began to multiply its demands. In that year came Robert Passelew's inquest into purprestures in the forests, which yielded heavy fines, though in retrospect it was to seem light beside Geoffrey de Langley's eyre of six years later. In 1251 there began an enquiry into alienations of the king's serjeanties, of which the reign was never to hear the last,[2] and one into the franchise of weights and measures.[3] In 1253 another commission was appointed to uncover offences against the statute of the king's exchange. From 1254, at latest, a special eyre of justices *ad privata placita regis* was in action.[4] Above all, the long-drawn out, searching, and oppressive forest eyre of Geoffrey de Langley was in being by 1250. Its amercements were extravagant, as the records show, and so much was it hated and suspected that Matthew

[1] *Close Rolls 1242–1247*, p. 242.
[2] *Close Rolls 1247–1251*, p. 421.
[3] *Ibid.*, p. 446.
[4] *Close Rolls 1253–1254*, p. 8. *Ibid.*, p. 272. Henry de Bathonia and his brethren justiciarii ad privata placita regis assignati.

Paris records the belief that it was Henry's revenge upon the northern baronage for their rebellion against his father. The whole movement culminated in 1255 with that general inquisition "de juribus et libertatibus et aliis ipsum regem contingentibus" for which six circuits of judge were commissioned and whose records have found a place in the printed edition of the Hundred Rolls.[1]

During this decade a radical change of policy took place. The spirit and much of the theory of the Edwardian statute of Gloucester already possessed the exchequer and the justices, whose successors in the next reign had little to add to the weapons which Henry's lawyers had put into their hands. More, indeed, was then attempted under the writ *quo warranto* [2] and the hated formula *non obstante* [3] than Edward ever ventured. Not only were those who petitioned for dubious liberties subjected to a far more rigorous testing of their warrants by the exchequer, before the capital justices, or the king and council, but sheriffs and justices were encouraged by the exchequer to contest privileges of long standing and to drive those who exercised them to trial. From time to time, indeed, the king was forced to rebuke the exchequer's zeal.[4] In the trials of the 'fifties,

[1] *Calendar of Patent Rolls 1247–1258*, p. 438.

[2] Especially in the unprincipled use of the *quo warranto* in claims of land by the Crown against subjects. *Abbreviatio Placitorum*, pp. 105, 107, 118. It seems to have been realised as early as 1200 that this process might be used to challenge land right and that such a use would be objectionable. Cf. the Countess of Gloucester's disclaimer of having so used it in her court. *Curia Regis Rolls of the reigns of Richard I and John*, i. 186 (Trinity Term 2 John). Henry was compelled to denounce this use of the writ when the steward of Haughley applied it to the prior of Normanbury in 1253: ab hujusmodi vexacione penitus desistens regi scire faciat si quod jus rex habeat in terra predicta ut ipsam rex per breve suum versus predictum priorem secundum consuetudinem regni petat. *Close Rolls 1251–1253*, p. 484.

[3] Sparsimque jam tales literae, in quibus inserta est haec detestabilis adjectio: non obstante antiqua libertate procedat negotium, suscitabantur. Matthew Paris, *Chronica Majora*, *sub anno* 1251.

[4] The exchequer has enforced a change of usage as to the abbot of Glastonbury's immunity of return of writs: et quia hoc non pertinet ad ipsos faciendum, mandatum est eisdem baronibus ut de returno illo nichil de cetero attemptent. *Close Rolls 1247–1251*, p. 403. Rex

moreover, the exchequer was to harden its requirements and to make them more precise. Defendants met a formula which was to become the mainstay of the Crown's case against franchise for the next century, the demand that the terms of any charter pleaded must be positive and explicit, that *verba generalia* interpreted according to the prejudice of the claimant were no answer to a *quo warranto*.[1] Thus, the onus of forcing the obscure and obsolete terms of Saxon franchise to conform to the quittances from suit, common fine and amercement, return of writs, *vetitum namium*, that were the fashion of thirteenth-century immunity, was thrust upon the claimant. Against this new rigidity in the interpretation of charters, and especially against the requirement of express warrant for liberties, the bishops protested in their articles of grievance in 1257,[1] though their protest may never have reached the king.

This, moreover, was a period when the subject, even the great subject, was as much at the mercy of the king's justices as he had ever been. During the twelfth century and the first half of the thirteenth the drift of Angevin government had been towards specialisation and division of powers, towards a measure of independence of the courts from the council. It was a trend that might be carried too far. "Lex scaccarii"[2] might well prove too good a servant of the Crown and too hard a master to

baronibus suis de scaccario. Meminimus nos semel et secundo dedisse in mandatis quod liberos homines magistri et fratrum milicie Templi in Anglia in singulis burgis et villis Anglie quietos esse faceretis de tallagio. *Close Rolls 1251–1253*, p. 428. Cf. *ibid.*, pp. 476 and 490.

[1] Et si praelatus compulsus comparens chartam donatoris exhibeat, licet contineatur in ea quod donator tales et tales dederit libertates . . . nil proderit ei nisi in charta de eadem libertate expresse fiat mentio. Matthew Paris, *Chronica Majora, Additamenta, sub anno* 1257.

[2] John de Ore and others "accesserunt ad nos . . . nuper querentes, cum teneant de serjeancia . . . quedam extenta facta fuit super eos . . . occasione cujus extenta exigitur ab eis per summonicionem scaccarii plus quam reddendum pertinet ad tenementa sua." The king orders the barons "quod per legem et consuetudinem scaccarii nostri, sicut expedire videritis, per inquisicionam vel novam extentam hoc faciatis emendari." *Close Rolls 1251–1253*, p. 427.

obstinate subjects, and the struggle between the Crown and the liberties might have broken earlier into rebellion if that trend had not been reversed. The jurisdiction of the quindenes, beginning in the middle 'forties, thus provided a partial remedy against the centrifugal trend in the bureaucracy. It restored to the subject his privilege of trial, if not actually *coram rege*, at least before the exchequer or the justices at a time when the king was at his palace of Westminster and his council available for consultation and appeal.

In the business of the exchequer this return to contact with the king was made necessary not only by the interest of subjects or the strain of occasional great causes but also by the common course of business, by the need for constant interchange of information and instruction between the king and the exchequer barons and between the king and the justices of the forests, of the Jews, and of any other of the many special commissions that were active in these years. The exchequer had to deal with masses of debts, many going back to the reign of John,[1] and also with an undergrowth of immunity and franchise which obscured the indebtedness of every great subject in such matters as common fine and amercement, return of writs, regard of the forest, and the like, and it also audited the multifarious accounts of the king's debts and of his custodies and wardships. There were debts that were clear upon the rolls and others that were not clear. For the former the exchequer was a sufficient court of justice, but for the latter it might sometimes need the judgment of the king.[2] The memoranda rolls of the treasury bear occasional marks of this need in the minute " loquendum cum rege ".[3] The

[1] In 1248 the abbot of Strata Florida was being distrained upon for a tallage of the reign of John. *Close Rolls 1247–1251*, p. 48.

[2] " Si clarum fuerit debitum illud, ad judicium in eodem procedant : si vero aliquid ambiguitatis invenerint in eodem prefatam loquelam venire faciant certo die coram rege terminandam." *Ibid.*, p. 284.

[3] P.R.O., Lord Treasurer's Remembrancer's Memoranda (Transcripts), 18 m. 3. Abatement of the farm of Dunwich. Loquendum cum rege.

king, upon his side, was constantly petitioned throughout the year to intervene between the debtor and the exchequer, to recognise immunity, or to pardon debt. At any time, therefore, there were petitions outstanding which could not rightly be answered from such chancery rolls as followed the king in his progress, for they needed to be checked by the enquiry of the exchequer. In addition, claimants or defendants before the eyres or the court *coram rege* were constantly seeking to rest their claims upon exchequer records.[1]

It seems, therefore, that some recurrent jurisdiction which should reassemble the courts of judicature with the king and the council was an almost inevitable need of the middle years of Henry III. If such a jurisdiction took shape it was almost certain to do so about the exchequer, since that office held most of the record necessary to the hearing of petitions of debt and franchise and its barons were on the whole the judges most familiar with the judicial issues involved. It is true that the court *coram rege* sometimes heard claims to franchise, but it had often to appeal to the treasury rolls for its evidences and the exchequer was the most proper court for such pleas. It is, therefore, natural, but none the less noteworthy, that the exchequer had anticipated the king by about a decade in separating cases which involved great persons from the mass of its *communia*, especially when they were making claims to franchise. It is of special significance that it had anticipated the terms of parliament, fastening upon the fourteenth days from the exchequers of Hilary, Easter, and Michaelmas (and less commonly that of Trinity), as days of special session for the trial of liberties. The *communia* of any term might run into several hundreds of items, and without

Ibid., 21 m. 1d. Tenure of manors beyond the term of their farm. Loquendum. I am indebted to Professor Julius Goebel for calling my attention to this point.

[1] *Abbreviatio Placitorum*, p. 135. Richard de la Mere before the justices *coram rege* "quod hoc sit verum trahit inde ad warantum rotulos de scaccario et petit quod rotuli videantur".

further search into what is, after all, a very natural recasting of agenda, I must not say for certain in what year the practice first arose. My impression is that its adoption was gradual, beginning about the eleventh year of the reign, in which year the Lord Treasurer's Remembrancer records a few important cases of debt as adjourned to the quindene of Michaelmas.[1] By the twenty-second year concentration upon the quindenes had become a marked feature of the rolls. At Easter in that year several great parties, among them the countess of Warenne,[2] were respited to the quindene of Michaelmas for claims against them, and there was a marked tendency to adjourn cases concerning franchise to the same term. The bishop of Lincoln's claim to quittance from *murdrum* in Newark,[3] the prior of Dunstable's claim to amercements of his men,[4] and the objections of Warin de Monchesni and the abbot of Chertsey to common fine in the county of Surrey,[5] were all adjourned to that day. From this time the system flourished, and in the twenty-fifth year it is sufficiently established to make it worth while to put the full list of respites and adjournments in evidence. The respites to the quindene of Hilary in this year are for the priors of Rochester and Wymondham, for the men of Grimsby, and for all claimants to franchise in Essex and Hertfordshire.[6] Those to the quindene of Easter are for William de Say, Reynold Forester, Roger Wasthose, and the men of Hertford.[7] Those for Michaelmas are for the prior of Brackley, Roger de Linch, the abbot of Chertsey, claiming frankpledge and *auxilium vicecomitis*, the abbot of Ramsey, William le Breton, William de Fiennes, for arrears of scutage, John

[1] P.R.O., Lord Treasurer's Remembrancer's Memoranda Roll, 10.

[2] *Ibid.*, 12 m. 10d.

[3] *Ibid.*, 12 m. 10. "Mandatum est vicecomiti quod ponat in respectu ad quindenam Sancti Michaelis demandam murdri quam facit . . . super Wapentach' de Newerk quia episcopus Lincolnie clamat inde quietanciam."

[4] *Ibid.*, 12 m. 10d.

[5] *Ibid.*, 12 m. 11d.

[6] *Ibid.*, 13 m. 2d. to 13 m. 4d.

[7] *Ibid.*, 13 m. 5 to 13 m. 5d.

de Blancbuilly, Peter de Rayleigh, John de Wulurich, Humphrey de Bohun for arrears of the third penny of the earldom, the priors of Rochester, Lewisham, Dunstable, and Beaulieu, John de Tideham, Gilbert Basset, Ralf Russell, William de Tishale, and the abbot of Bec.[1]

It will be observed that the Michaelmas session is still by far the most heavily burdened, and that the persons and matters adjourned to it are almost uniformly of the kind that later engaged the king's special attention and were likely to be referred by him to the quindenes and to become the matter of future parliaments. The concentration of cases of franchise upon the Michaelmas quindene already marked out that term in 1238 and three years later it received a general sanction. Michaelmas 1241 is not only an unusually clear instance of the practice of reserving a special class of jurisdiction to the quindenes, it has the further and crucial importance that it records the acceptance of that practice as a system. In this year for the first time this day is appointed as that upon which all claimants of liberties by charter, irrespective of person, will be given judgment upon their claims.[2] The quindene of Michaelmas thus achieves an unique importance in exchequer judgment, and something like a fixed institution is brought into being within the structure of the exchequer year. Looking to the nature of this jurisdiction it is, perhaps, an allowable licence of phrase to say that, in reserving this term for judgment upon franchise, the exchequer was setting up its private "parliamentary" occasion some years before the king began to build up a similar occasion for himself. If that is too bluntly expressed, we may, I think, at least understand why, when he began to find it necessary to refer petitions as to franchise to a set term and jurisdiction, he chose the quindenes of the opening of the three principal

[1] *Ibid.*, 13 m. 6d. to 13 m. 11d.

[2] *Ibid.*, 13 m. 6d. "De pluribus libertatibus. Omnes qui clamant libertates per cartas habeant diem ad audiendum judicium suum de libertatibus illis . . . in quindena Sancti Michaelis."

exchequers of the year, and first of all that of Michaelmas. That was the day already consecrated by the barons to that kind of judgment and they were the most essential of the courts involved in any jurisdiction of petitions and appeals for special grace ; to them a majority of the petitions were expressly adjourned.

Indeed, from their initiation by the exchequer, there can have been no sudden break or acceleration in the growth of the quindenes towards their future status of parliaments. Once established as exchequer practice, the jurisdiction grew by the gradual accretion of pleas and petitions referred to it by letter close by the king. By the later 'forties the plea-list of the exchequer at the quindene of Michaelmas consisted about equally of cases adjourned by the king and by the barons themselves. The occasion engaged the king's attendance with growing regularity, and increasingly he imposed the same term upon the other commissions of justices. The justices *coram rege* also maintained their own file of the quindene of Michaelmas.[1] As the exchequer respites began sporadically in the late 'twenties and had swelled to a special but recognised jurisdiction by the 'forties, so the respites of the king began occasionally in the late 'thirties and grew until by the early 'fifties they had created a royal occasion of justice centring primarily upon the exchequer but involving other justices and soon to draw towards itself the baronial assemblies also. It was the natural order of growth, for in those days the zeal of the exchequer outran that of the king in testing and reclaiming liberties and for a number of years it was not openly questioned by subjects. It was only as this zeal was seen to be growing into a wholesale attack upon privilege, and when its victims began to petition the king in numbers against its severity, that Henry was forced to

[1] *Abbreviatio Placitorum*, p. 131. "Sicut continetur in cedula que est ligula brevium de quindena Sancti Michaelis anno 37." This was, however, of very old standing and its only principle was not that which prompted the exchequer. Cf. *Curia Regis Rolls*, i. 128 (Hilary Term 1 John), etc.

intervene, to find some more responsible form of trial where great issues and persons were involved, and to attend the quindenes himself with his council. The growth of this new policy, this new attention and formality on the part of the king, we may trace in outline from the Close Roll writs.

In his earlier years, until after his Gascon war, Henry was lax in his treatment of petitions when away from Westminster, and generous in pardons and recognitions of franchise. He would admit the validity of a claim upon the word of a petitioner or his friends,[1] from his own memory of past transactions, or at best from an inspection of such rolls of chancery as were itinerant with him. When disposed to severity, he showed little concern for the interests involved, for the need to be considerate had not yet been forced upon him by any dangerous outcry. As late as 1244 it was not considered that the general inquest of that year needed any form of trial more responsible than local inquest, and both enquiry and enforcement were left to the sheriffs. The two principal cases which we know to have arisen out of it, the bishop of Worcester's claim to *vetitum namium* and that of the archbishop to return of writs within the fee of Christchurch, Canterbury, were answered by orders to the sheriffs of Kent, Worcester, and Gloucester to hold inquisitions in their counties, and, if they were favourable, to allow the petitioners to enjoy their franchise.[2] Thus, petition for privilege was still thought to be adequately answered by county trial. The alternative to inquest before the sheriff, perhaps an even worse one, was trial before the exchequer, unsupported and unchecked. If Henry's sympathy were not engaged, he would remit the whole matter

[1] " Rex baronibus suis de scaccario, salutem. Quia protestatum est coram nobis per viros fidedignos quod quando recepimus in manum nostram castrum de Corf a fideli et dilecto nostro Petro de Malo Lacu, perdonavimus ei triginta libras . . . vobis mandamus quod predictum Petrum de omnibus denariis predictis quietum esse faciatis." *Close Rolls 1237–1242*, p. 211.

[2] *Close Rolls 1242–1247*, p. 292.

thither and leave it to inquisition,[1] to the rolls of past years,[2] or to the interpretation which the barons cared to set upon any charter of franchise that was submitted to them.[3] In so doing, he must have forfeited much of any popularity which his casual generosity could bring him, for it was a method which set too much faith in the impartiality of the exchequer and in the complaisance of parties submitted to its judgment. At best there was for some time no regular care to secure the supervision of the council over exchequer judgments.

Certain of the issues left to the exchequer during Henry's first few years of personal rule were of national importance and amply justify the jealousy with which the magnates sought the judgment of their peers. They included the Beauchamp claim to fee and inheritance in the shrievalty of Worcester[4] and the rights of the abbey of Bury St. Edmund's to its ancient liberties within the eight and a half hundreds.[5] In leaving such great persons to the exchequer, Henry was subjecting them to a one-sided reading of their charters at a time when the terms of all ancient liberties were entering upon a period of disputed interpretation. An exchequer judgment dismissed the abbot of Bury's charters as being too ambiguously ex-

[1] "Mandatum est baronibus de scaccario quod statim ex quo facta fuerit inquisitio de feodis militum de Fednes . . . eidem Willelmo faciant habere rationabile judicium suum secundum considerationem scaccarii regis." *Close Rolls 1237–1242*, p. 21.

[2] "Mandatum est baronibus de scaccario quod si inquirere poterint per rotulos scaccarii quod manerium de Hertford tailliatum fuit quando rex dominica sua tailliare precepit, tunc hominibus ejusdem manerii pacem faciant de tricesima." *Ibid.*, p. 64.

[3] *Ibid.*, p. 43.

[4] "Rex baronibus de scaccario, salutem. Mandamus vobis quod, inspectis diligenter rotulis de tempore Johannis regis, patris nostri et de tempore nostro, inquiratis diligenter si predecessores dilecti et fidelis nostri Willelmi de Bello Campo, vicecomitis nostri Wygornie, tenuerint comitatum illum in feodo . . . et si inveneritis quod comitatum illum sic tenuerunt permittatis predictum Willelmum eodem modo comitatum illum tenere quo predicti predecessores sui ipsum tenuerunt." *Ibid.*, p. 70.

[5] *Ibid.*, p. 404.

pressed,[1] and he did what many a lesser immunist must have longed to do also. He refused all summonses which followed upon the exchequer's judgment,[2] until, fourteen years later, he was able to force his grievance before the king.[3]

This was the stress of opposing interests and conflicting legal theories, amounting in some cases to a deadlock, which called at the end of the 'forties for a parliamentary solution. The time, indeed, was come when the king would be forced to act more deliberately alike in his own interest and in that of his petitioners, to consult the exchequer more frequently, and to bring the exchequer itself under closer supervision; to advance, in fact, upon the road towards parliament. The quindene of Michaelmas, and to a less degree those of Hilary and Easter, were already established as the terms when the exchequer tried important cases of debt and franchise. The quindene of Michaelmas was equally the one time of the year when Henry would certainly be at Westminster of his own free will, for it coincided with the feast of the Translation of St. Edward the Confessor upon the 13th October. Throughout his life, and increasingly from 1241, the memory of the Confessor was the centre of Henry's religious cult, and he would set aside almost any business in order to come to Westminster and celebrate it with becoming secular and religious pomp. On the 13th October, then, the feast of St. Edward and quindene of Michaelmas, the king was sure to be available, and it is at least a striking coincidence that that day in 1241 was both the first full celebration of the Translation by Henry[4] and the first occasion when the

[1] "Propter minorem expressionem eorundem." *Close Rolls 1254–1256*, p. 83.

[2] "Demandam quam ei faciunt de xx marcis per summonicionem scaccarii . . . que xx marce jam extiterunt in demanda xv annis elapsis." *Ibid.*, p. 101. 20 marks was the sum for which the barons were ready to quit the abbot of the arrears.

[3] At Michaelmas 1255. *Loc. cit.*

[4] The golden shrine of the Confessor was completed in that year.

exchequer explicitly set the quindene as its day of general judgment on franchise. At least in the later years of the reign, it was also the day when the familiar council was ordered to reassemble in full strength. This was the earliest established and, on the whole, the busiest and most regularly employed of the quindenal sessions. But Henry, though his inclination was to spend the Christmas feast at Winchester and that of Easter at Windsor or Merton, accustomed himself as pressure of business grew to remain within reach of the capital at those feasts also, and to present himself at Westminster to attend judicial business, not at the quindene of Michaelmas only, but twice or even three times a year after the other two feasts.

That these special occasions of jurisdiction were called into being by the prevailing dispute about franchise is, I think, clear both from the fact that they found their prototype in the exchequer and from the nature of the matters they dealt with. In this the pleas of the quindenes of Easter and of Michaelmas 1251 were specially numerous but not otherwise exceptional. Of this year Matthew Paris records that a *magnum parliamentum* was held at the quindene of the Purification, but I cannot find that any *magnum consilium* or parliament met either at Easter or Michaelmas. As has already been said, the Easter session gained in importance more slowly than that of Michaelmas, but this year Henry came to Westminster two days before the quindene of Easter and remained there for over two weeks. The eyre of the forest was already making itself felt, and a number of important persons, especially ecclesiastics, had received respites, against Geoffrey de Langley or other officials, suspending action upon judgment against them to the quindene. We may take it that in most cases respite was accorded to enable enquiry to be made through the exchequer rolls or charters to be presented.[1] Among

[1] As it was said in a case of the previous year: "ostensum est regi ex parte Ricardi de Grey quod G. de Langel' justiciarius foreste, ipsum et homines suos facit distringi pro quibusdam feris . . . de quibus vocat

those called to defend their forest right were the abbot of Hyde, the prior of St. Bartholomew's, and the mayor and citizens of York.[1] The inquest upon the alienated serjeanties was represented by a claim against John fitz Bernard's tenants,[2] and William of Otteringham was adjourned *coram rege* at the quindene to show his claim to a serjeanty in the king's soke of Snaith against a judgment by the justices in the previous year.[3] The bishop of Lincoln was respited for his market and fair of Biggleswade seized for default against the assize of weights and measures. The notorious criminal charge against Henry de Bathonia found its issue at the Easter quindene, and was sent thence for final judgment before the capital justices.[4]

The respites to the Michaelmas quindene, which began to be issued quite early in the year, were still more numerous than those for Easter, and they also chiefly concerned franchise and the recent judicial eyres. Again a number of forest amercements were respited to the session and Geoffrey de Langley was himself present in the council.[5] Among those involved were the abbots of Glastonbury, Crowland, and Netley,[6] the prior of Merton, the Knights Hospitallers, the dean and chapter of Salisbury, the city of York, and sundry laymen. Roger Bertram joined with other Northumbrian magnates to petition for their wood rights in the forest and was promised judgment at the quindene.[7] Besides the forest, ministerial action against several other liberties was respited to the same term, for Peter of Savoy's men of the honour of Richmond for freedom from toll,[8] for Reginald de Mohun for freedom of tallage in the manor of Graywell,[9] and for the abbot of Stratford for freedom

rotulos regis ad warantum. Et ideo mandatum est eidem G. quod eundem Ricardum . . . usque ad instans festum Beati Edwardi pacem inde faciat habere." *Close Rolls 1247–1251*, p. 315.

[1] *Ibid.*, pp. 407, 428, 416.

[2] *Ibid.*, p. 409.

[3] *Ibid.*, pp. 261 and 421.

[4] *Ibid.*, p. 539.

[5] *Ibid.*, p. 514.

[6] *Ibid.*, p. 452.

[7] "Alii quamplures ejusdem comitatus sunt in consimili querimonia." *Ibid.*, p. 542.

[8] *Ibid.*, p. 441.

[9] *Loc. cit.*

of suit from his manor of Sudbury.[1] Another respite was for the liberty of the town of Rochester, and six days after the quindene that of Southampton was restored, presumably after judgment. Perhaps the most important cause tried was that of the men of the four cantreds of Rhos and Rhuveniog, who were resisting the introduction of English custom into the Welshry by the justiciar of Chester, and who were promised trial by the council at the quindene in the presence of the justiciar and their own representatives.[2]

I have chosen this year as typical and in no way exceptional. It is also a good year to take as our test of the nature of the jurisdiction of the quindenes, because in 1251 they were on the point of being caught up in the larger jurisdiction of parliament. For this very reason, that their independent standing is soon to be in some measure lost, it is proper to determine the nature of their justice and to see that it is already of the kind with which parliament, even the Edwardian parliament, which the statute of Gloucester, by making a general clearance, relieved of much of its justice of franchise, was to be largely concerned. The Close Rolls and the treasury Memoranda will not, it is true, tell us all the story of either quindenes or parliaments. Most Close Roll respites were issued to suspend distraints or other action by the exchequer, and their bias is almost, though not quite, as fiscal as that of the rolls of the treasury itself. But, though, from the nature of our sources, the number of pleas and petitions of exchequer provenance must be to some degree exaggerated, such pleas are still to be accepted as the staple business alike of the exchequer's Michaelmas session, of the sessions of the quindenes into which they were caught up, of the Henrician and, to a less degree, of the Edwardian parliaments. They constitute a jurisdiction common to all

[1] *Ibid.*, p. 500. "Ut tunc ostendat quietanciam quam inde habet coram baronibus de scaccario."

[2] *Ibid.*, p. 541. "Quia tunc de consilio nostro in presencia nostra et quorundam ex hominibus illis de premissis volumus habere tractatum."

four, arising from the plain circumstances of the period and linking successive parliamentary or quasi-parliamentary sessions into an evident chain of common function in justice. They tell much less than the whole story, but what they tell is consistent, and throughout Henry's reign it does not change. The exchequer devises its special quindenal session, the king observes the occasion and swells its business with his own respites and adjournments, coming himself to Westminster with his council, the parliament of barons comes at last to afforce and to trouble the lawyers in their judicial sessions. But the jurisdiction, in its unknown proportion to the full business of parliament, does not vary.

If I ventured to generalize at all about these occasions which were called parliaments in the later years of Henry III, it would be to deny to them precisely that single feature which is beginning to make the parliament of the later days of Edward I a co-ordinated judicial and constitutional whole. The jurisdiction of the parliaments of Edward's maturity is that of the council acting as a supreme, directive head of the subordinate commissions of justices and barons. The enrolling of its records marks the uniformity and stability of that jurisdiction. It is coming to be a court of parliament. Under Henry III, as far as can be judged, parliament is still only an occasion during which a number of courts and jurisdictions are, for convenience, acting at the same time and place. There is, in so far as it can make its standing good, the greatest court of all, a kind of *magna curia regni*, the baronage of the realm, there is the king's familiar council, there are the capital justices sitting, sometimes in fact, sometimes by fiction, *coram domino rege*, the justices of the bench, the treasurer and barons of the exchequer, the justices of the Jews. In the absence of any established doctrine and practice of a court of parliament, the familiar council has no steady supremacy, no habit of routine action over any of these bodies in parliament save as the needs of any given case may move the king to intervene and to bring some or all of his council with him.

Judgment by peers is under the shadow of the king's dislike, but they too are still a potential Great Council in parliament. They will become so under Edward II in fact. The cause sheet of any given court for the term of parliament is, I take it, like that of the exchequer, a mixture of cases which have reached it by various routes, some by summons of the barons' own writ to parties, some by a chancery writ from the king of his sole motion, some by writ answering petition. Madox's doubts as to the standing of the exchequer in Edward's parliament can for the age of Henry III have little meaning, for the conciliar focus of parliament is not yet fixed nor the bar of parliament drawn. For any plea, at any stage of any plea, any court may lose its cognisance to the council or be afforced by councillors or by the justices of any other commission; but that beginning of unity dissolves when its immediate purpose has been achieved. The raw stuff of a parliamentary jurisdiction is there, but with more than one possible claimant to the future status of high court of parliament. The steady routine of parliamentary trial, the fixed reality of a court of parliament, and the consistent witness of a roll of parliament are wanting.

I cannot suggest by what future stages or at what time these essentials of parliament were to come into being. Not much would be needed to form them; perhaps some minute of an intention to submit all petitions to council during parliament before handing them down to lower courts for their *complementum justitiae*; an adjustment no more spectacular than that which stabilised *nisi prius*, but with even greater results. Some such slight but purposeful thrust upon the wheel would have been like Edward's handling of detail to effect radical change. The proclamation to petitioners at the opening of the session might well be an outcome of it, or even part of the means to bring it about. On the other hand, of course, it may have happened slowly. The council took a greater share of judgment during parliament under the Provisions, as it did in all

other matters, and Edward may have worked upon some experience of Bigod's justiciarship.

Such speculations, however, carry me beyond the scope of this paper. I would turn in ending to the disclaimer with which I began. I lay no claim to suggest a single origin of parliament—the exchequer clearly provides only one strand—nor, indeed, to say how its jurisdiction came to the precise form it had under Edward I. Parliament takes up almost every aspect of life. It has no one origin, nor can it be comprehended in any simple formula of growth. Taking official action as I have found it in the Close and Patent rolls of chancery and in the Memoranda of the exchequer, the conclusions for which I would ask consideration are these. That the actual occasion of parliament, its terms and place of assembly, owe much, though not all, to the initiative of the exchequer. That a principal part of its judicial function arose or was greatly stimulated during the personal rule of Henry III and against the background of a challenge to feudal privilege which his justices and barons set in motion. That the special form taken by parliamentary trial under Edward I, the dual trial, was in some degree anticipated by Henry's practice of giving a preliminary hearing to petition and adjourning it to the exchequer or to some other court at the quindenes. That the association of a *magnum consilium* with the quindenal sessions to form what then went by the name of parliament was an innovation of the later years of Henry beginning from about the year 1252. Believing that these are probable conclusions from the records of Henry III's reign, I also think that they do something, though by no means everything, to explain the parliamentary institution of justice under his son. At least they seem to me to lighten the partial obscurity under which the vigorous and formative middle years of Henry III lie.

THE DEPRIVED MARRIED CLERGY IN ESSEX, 1553–1561 [1]

The Alexander Prize Essay

By Miss Hilda E. P. Grieve, B.A.

Read 8 *June* 1939

In the five years which elapsed between Mary's accession on 6 July 1553 and her death on 17 November 1558 281 institutions to benefices vacant in Essex are entered in Bonner's Register.[2] Ninety-three of these vacancies, or just under a third, occurred as the result of the deprivation of the late incumbent. A similar disturbance of the personnel of the clergy was taking place all over the country during these years, but the figures quoted for Essex cannot be taken as typical, for Dr. Frere found that the numbers and ratios tended to diminish the greater the distance from London.[3] The general nature of this disturbance, however, the processes connected with it, and the problems arising out of it can best be understood when examined in relation to a particular group of the deprived clergy. As Mr. Baskerville has suggested, "it is only by a thoroughgoing exploration of the ups and downs of the lives of the clergy in an individual diocese that the course of current ecclesiastical movements can be adequately comprehended." [4]

[1] I would like to take this opportunity of expressing my deep gratitude to Canon Sykes for the unfailing patience of his advice and criticism, and the encouragement of his interest. Also to Mr. Baskerville and Professor Neale for many helpful suggestions. A list of the principal abbreviations employed in citing documentary authorities will be found in the note on manuscript sources at the end of this article.

[2] Essex came under the jurisdiction of the see of London from its foundation until 8 August 1845 (*V.C.H., Essex*, ii, 81).

[3] W. H. Frere, *The Marian Reaction*, p. 52.

[4] G. Baskerville, "Elections to Convocation in the diocese of Gloucester under Bishop Hooper", *E.H.R.*, xliv (1929), 4.

It is impossible to ascertain exactly what proportion of the clergy beneficed in Essex at the beginning of the reign were deprived before the end of it. Gaps in the Institution Lists in the London Episcopal Registers leave the succession in many parishes doubtful, and delays between the voidance of a benefice and the institution of the next incumbent often make it difficult to find out at any given date whether a benefice is vacant or not. But of 319 priests certainly beneficed in Essex in July 1553, holding between them 353 livings, 90 were deprived before October 1556. Only three of the deprivations, therefore, involved incumbents instituted after Mary's accession.

The most striking fact which emerges from a study of these 93 deprivations is that they were disciplinary and not controversial. In not a single instance is there any suggestion that the cause of deprivation was either political or religious recusancy, and in 92 cases out of the 93 there is ample evidence to show that it was non-residence or marriage. Only two of the 93 had been ordained according to the English Ordinal [1]; but marriage being a sufficient ground for deprivation, the question of their ordination does not appear to have arisen as a factor in the process.

With the five who were deprived for non-residence we are not concerned. They were all, at various dates, summoned to appear in London before the bishop or his vicar-general, and this in itself marks them out as distinct from the matrimonial offenders who were dealt with by the archdeacons locally. They are not described as married priests in Bonner's Register; and their parishioners, who

[1] Robert Drakes, rector of Thundersley, 29 Jan. 1550/1 (Newcourt, *Repertorium*, ii, 587)–before 7 June 1554, deprived for marriage (Reg. Bon., fo. 453); ordained priest by Cranmer before 1550, "not after the order then in force" (Foxe, *Acts and monuments*, viii, 107; Frere, p. 218; there is no record of Cranmer's ordinations in his Register); burned 24 April 1556 (Foxe, viii, 113; Strype, *Eccl. Mem.*, iii, pt. ii, p. 488).

Richard Gresham (or Grason), R. of Gt. Chesterford, 25 Mar. 1550 (*Newc.*, ii, 133)–before 12 Dec. 1554, deprived for marriage (Reg. Bon., fo. 459); ordained deacon June 1550, priest Sept. 1550 (Frere, pp. 186, 190); in exile 1556, studying at Basle (C. H. Garrett, *The Marian Exiles*, p. 165).

appeared as witnesses against them and complained bitterly of their neglect, would doubtless have produced evidence of their marriage if it had been possible to do so, as a further argument for their removal. Their deprivation, therefore, represents a normal enforcement of discipline.[1]

The remaining 88 were priests who had married after Convocation in 1547 and Parliament in 1549 had for the first time recognised their right to do so. Eighty-five of them are specifically stated in Bonner's Register to have been deprived as " clericus (or ' presbiter ') coniugatus ".[2]

[1] Robert Dent, R. of Upminster, 20 April 1554–before 9 Mar. 1557/8, deprived (Newc., ii, 618). His case before vicar-general in May and July 1556. He held another living in diocese of Peterborough and had had licence to hold Upminster in commendam (Vicar-General, Crooke, fos. 216, 297).

John Gough, V. of Braintree, 3 Dec. 1554–before 24 Oct. 1556, deprived (Newc., ii, 89). His case before bishop in Oct. 1556. Parishioners gave evidence against him. Supposed to have two benefices in Suffolk. Had provided no curate in Braintree (V.G., Crooke, fos. 231, 233).

Martin Reason, V. of Ugley, 1 April 1553–before 30 April 1558, deprived (Newc., ii, 616). His case before vicar-general in April 1558. After taking possession of vicarage had only stayed 2 or 3 days, then left, and provided no priest to serve the cure (V.G., Crooke, fo. 302).

Richard Ward, V. of Epping, 13 Nov. 1554–before 14 April 1556, deprived (Newc., ii, 248). Frere concluded " in the absence of other evidence " that he was deprived for marriage (*Marian Reaction*, p. 56) ; but there are full details of the proceedings against him in the act book of the vicar-general. He left the benefice two hours after " ringing his bells " and provided no one to serve the cure (V.G., Crooke, fos. 219–222).

Charles Waynwright, R. of Vange, 2 Feb. 1529/30–before 19 Dec. 1557, deprived (Newc., ii, 613). His case came up at intervals between Oct. 1556 and July 1557. He had not been resident in Vange for 12 years, and the cure was indifferently served by a curate hired by his fermor (V.G., Crooke, fos. 234, 247, 253, 258–9, 263, 267–9).

[2] Three of these deprivations have not been noted by Newcourt :

Robert Bracher, V. of Aveley, 7 June 1551 (Newc., ii, 23)–before 24 May 1554, deprived for marriage (Reg. Bon., fo. 462). Reconciled and reappointed V. of Barling, 28 Mar. 1556 (Reg. Bon., fo. 465). 1559 restored as V. of Aveley (Lambeth, Cartae Miscellanae, xiii, pt. 2, no. 57 ; Gee, *Elizabethan Clergy*, p. 103).

John Draper, R. of Rayleigh, 17 Aug. 1517 (Newc., ii, 484)–before 21 April 1554, deprived for marriage (Reg. Bon., fo. 450). See Bonner's order for his divorce from his wife Joan Gold (Frere, p. 170 ; Foxe, vi, 438 ; from Reg. Bon., fo. 348). Reconciled and reappointed R. of St. Michael Royal, 9 April 1556 (Hennessey, p. 333).

Richard Holden, R. of Stanford-le-Hope, 7 April 1548 (Newc., ii, 548)–

Bernard Sandiforth, vicar of Canewdon, though not so described, was certainly married, and as he was reappointed almost immediately after his deprivation there can have been nothing more serious against him.[1] There is no evidence that William Rowbotham, vicar of North Shoebury, was married, but the fact that he was deprived on 29 March 1554, just three weeks after the archdeacons received orders to proceed against married priests, suggests that he was one of the victims of those proceedings, as does the fact that he was subsequently reappointed.[2] This leaves only William Charleton, rector of East Hanningfield, unaccounted for; and from the date of his deprivation, some time before August 1554, and from the absence of any special proceedings against him in the act books of the vicar-general, it is probable that he suffered for the same offence as the others.[3]

These 88 deprivations were certainly disciplinary, but neither the circumstances in which they occurred, nor the severity of the penalty, were normal. As Mr. Baskerville discovered in Gloucestershire, when members of the clergy were convicted of incontinence before the days of clerical marriage, the price of their indiscretion might be a

before 2 Nov. 1554, deprived for marriage (Reg. Bon., fo. 458). Died before Sept. 1560 (V.G., Crooke, f. 342). He did not resign in 1554, cf. Newcourt, ii, 548.

[1] Bernard Sandiforth, V. of Canewdon, 15 Feb. 1547/8–before 11 April 1554, deprived (Newc., ii, p. 121). For his marriage, see special order for sequestration of fruits of Canewdon because the vicar, Bernard Sandiforth is married (Reg. Bon., fos, 345–6). He became V. of Paddington (see his will, dated Aug. 1557, proved May 1559, Challoner-Smith, "Additions to Newcourt", *Trans. Essex Arch. Soc.*, New Series, vi., 230. See also G. Hennessey, *Novum Repertorium*, p. 367).

[2] William Rowbotham, V. of N. Shoebury, 29 Nov. 1548 (Newc., ii, 529)–before 8 April 1555, when the next institution is entered "per deprivationem (blank) ultimi vicarii" (Reg. Bon., fo. 462). The date of his deprivation, 29 Mar. 1554, and his definite identification as the deprived vicar are given in a Chancery complaint of his successor Anthony Richardson (P.R.O., C. 1/1379/36–8). He was reconciled and reappointed V. of Tolleshunt Major, 6 Aug. 1555, and died before July 1557 (Newc., ii, 604).

[3] William Charleton, R. of E. Hanningfield, 17 Oct. 1550 (Newc., ii. 307)–before 23 Aug. 1554, deprived (Reg. Bon., fo. 455).

whipping, some form of public penance, or a fine, but never deprivation.[1] Yet here we find more than a quarter of the beneficed clergy in Essex suffering the then rare penalty of deprivation for having contracted legal unions recognised by both Church and State. As if to emphasise the illogical nature of the process, in October 1556, just when it was completed, John Hanson, rector of Stapleford Tawney, convicted of adultery with his housekeeper Anna Lamborn, escaped with a penance to be performed in his parish church and a fine of ten shillings to be paid to the poor scholars of Oxford.[2]

The probable explanation of the severe treatment of the married clergy is that Mary and her advisers, realising what a large proportion of the clergy had taken advantage of their new freedom, and determined nevertheless to enforce the celibacy of the clergy, hoped that actual deprivation would not only emphasise the enormity of their behaviour, but also, by removing them from the place of their former ministry, be more likely to separate them effectually from the undesirable influence of the wives whom they had been compelled to put away.

The attack on the married clergy was launched by Mary's first Parliament in October and November 1553, when it repealed the Edwardian legislation in favour of clerical marriage. In December followed a royal proclamation that "after the xx day of December no prest that has a wyff shall not menyster nor saye masse".[3] This proclamation, in effect a suspension of the married clergy, was in force until the following March, 1553/4, when the formal proceedings for their deprivation were begun.

During the ten weeks between the suspension of married priests and their actual deprivation the service of their cures must have devolved upon curates or the neighbouring

[1] *E.H.R.*, xliv (1929), 6.

[2] V.G., Crooke, fos. 233–4. He was R. of Stapleford Tawney, 9 Oct. 1540–before 29 Oct. 1572, when he died (Newc., ii, 556).

[3] *Machyn's Diary* (Camden Soc.), ed. J. G. Nichols, p. 50.

clergy. Thomas Layer, a clerk who had secured letters patent presenting him to the rectory of Ashen, only to find that he had been forestalled by the presentee of a local patron, in his bill of complaint presented in Chancery about May 1554, stated that he had served the cure there for twenty weeks after the suspension of Thomas Hall, the married rector.[1] The activities of the married rector during these weeks are particularly interesting. Not waiting to be deprived, he resigned the living [2] and took steps to secure the appointment of a successor who would provide for him and his wife. The rectory of Ashen had belonged to the collegiate church of Stoke-by-Clare, and just before its dissolution the next right of presentation to the rectory had been granted to John Baker, gentleman, in order (as Thomas Layer suggested) " fradulently to disteyne the late King Edwarde the sixt his heires and Successours of the next avoidans of the said benefice ". The chapter had been persuaded to make this grant by Matthew Parker, then dean of the college, and by Thomas Hall himself, then Steward.[3] The patron, John Baker, was therefore prepared to do Thomas Hall a favour in return and consider his interests in choosing his successor. Accordingly on 15 March 1553/4, Thomas Hall went up to London, and registered the original grant of the presentation in the bishop of London's Registry to prevent anyone else claiming the presentation.[4] Then, having " gate to his porpose a visious parson, one Robert Davys clerke, Vicar of Ikelton in the

[1] P.R.O., C. 1/1367/16, 17. For confirmation of Thomas Layer's statement that he received letters patent, see *Cal. Pat. Rolls*, 1 Mary, pt. 1, p. 42. They were dated 2 May 1554. He actually speaks of Thomas Hall's " amoval " or " deprivation ", but Hall was not deprived, he resigned (Newc., ii, 19), and Thomas Layer's 20 weeks' service would place the " amoval " in December when married priests were suspended by proclamation, but not deprived. Thomas Layer further admits that after this " amoval " Thomas Hall " did resigne upp all his title and interest that he had ".

[2] See Thomas Layer's complaint, and Newc., ii, 19.

[3] See Thomas Layer's complaint, and V.G., Crooke, fo. 163, where the original grant is registered.

[4] V.G., Crooke, fo. 163.

county of Cambryge", he sent him up to "Mr. Robert Johnson offis, the Bisshops of Londons register" with a letter of presentation from the patron, John Baker.[1] On 10 April following Robert Davys was instituted to the rectory of Ashen,[2] and "in consideracion thereof, by the confederat agrement betwene them, the said Thomas Hall, clerke, and his unlawfull wyfe" were "kept and mayntayned", able to "cumme together at ther pleasure . . . by thaide of the said Robert Davy".[3] The unfortunate curate, for all his letters patent, never made good his claim to the living.[4]

The precautionary resignation of Thomas Hall is not unique. In January 1553/4, just after the proclamation, the rectory of Hedingham Sible was declared vacant "per liberam resignationem domini Griffini Williams clerici coniugati".[5] Richard Fletcher, the married vicar of Ugley, resigned before January 1553/4 and went into retirement for the rest of the reign.[6] Robert Horne, vicar of Matching, who was also dean of Durham and prebendary

[1] See Thomas Layer's complaint, and Newc., ii, 19.

[2] Newc., ii, 19. [3] P.R.O., C. 1/1367/16, 17.

[4] Robert Davys held the living till his death before July 1563 (Newc., ii, 19). He subscribed as R. of Ashen in 1559 (Lamb., Cart. Misc. xiii, pt. 2, no. 57; Gee, p. 104) and was resident there in 1560 and 1561 (C.C.C.C., 122, fos. 64, 162–3).

[5] Reg. Bon., fo. 448. Cf. Institution of John Fecknam to Gt. Greenford, Middlesex, vacant 24 Sept. 1554 "per liberam et spontaneam resignationem Magistri Henrici Thorneton, M.A., presbiteri coniugati" (Reg. Bon., fo. 457).

[6] Richard Fletcher, V. of Ugley, 7 Feb. 1552/3 (Newc., ii, 614)–before 21 Jan. 1553/4, when John Wystowe got letters patent presenting him to the vicarage (*Cal. Pat. Rolls*, 1 Mary, pt. i, p. 38). Fletcher had resigned (Newc., ii, 614), but he was deprived of his other vicarage of Stortford, Herts, for marriage before Feb. 1555/6 (Reg. Bon., fo. 465). Frere suggests that he went into exile (*Marian Reaction*, p. 183), but he does not appear in the most recent enumeration of the exiles (Garrett, *The Marian Exiles*). He was still in this country in July 1555 when he and his son (later bishop of London) witnessed the martyrdom of Christopher Wade at Dartford (Foxe, vii, p. 321; *D.N.B.*). He was one of those ordained under the English Ordinal (Frere, p. 183) and seems to have remained in retirement until Elizabeth's accession, when he became V. of Cranbrook in Kent, and a stout opponent of puritanism (Peel, *Seconde Parte of a Register*, i, 116–20).

of Bugthorpe in York Minster, simply abandoned his cure and fled to the continent, between September and October 1553, taking his wife with him. But his marriage was not the main reason for his precipitate flight, for he later admitted " there were some crimes against the state objected to him ".[1]

The majority of the married clergy, however, appear to have awaited events passively, though a few had the forethought to insure against the full consequences of deprivation by making collusive leases of their benefices to their friends and relatives. On 27 September 1553, before the repeal of the statutes, Elizeus Pecock, rector of Paglesham, " being a married priest ", made a lease of the parsonage to " Thomas Sowthern and William Peckocke . . . one of the said priestes children, not being then two yeres of age ".[2] Similarly Edward Popley, rector of Tolleshunt Knights, before his deprivation, " being marred and dowting hymself to be deprivid of the same benefice, by confederacy and craft practised between hym and one Jerome Songer, made a lease of the same parsonage to the same Jerome Songer . . . a verey craftie and busy person." [3]

The full possibilities of transactions of this kind can be illustrated by the complaint brought against Thomas

[1] Robert Horne, S.T.B., V. of Matching, 3 Oct. 1548 (Reg. Bon., fo. 163)–before 27 Feb. 1553/4, when it was declared " certo modo tam de iure quam de facto vacante " (Reg. Bon., fo. 449) ; dean of Durham, 18 Nov. 1551 ; prebendary of Bugthorpe, York Minster, 27 April 1552 (*D.N.B.*). Arrived in Zurich 5 April 1554 (Garrett, p. 188), 1560–1, bishop of Winchester (*D.N.B.*).

[2] P.R.O., C. 1/1348/82, and C. 1/1426/32–3. Elizeus Peckocke, R. of Paglesham, 7 Feb. 1545/6 (Newc., ii, 459)–before 19 Nov. 1554, deprived for marriage (Reg. Bon., fo. 458) ; restored as R. of Paglesham by 1560 (C.C.C.C., 122, fo. 39). Died before Sept. 1562 (Newc., ii, 459).

[3] P.R.O., C. 1/1353/7. Edward Popley, R. of Tolleshunt Knights, 10 Dec. 1550 (Newc., ii, 606)–before 31 Oct. 1554, deprived for marriage (Reg. Bon., fo. 457) ; also R. of Wickham Bishops, 20 Aug. 1538 (Newc., ii, 658)–before 21 July 1554, deprived for marriage (Reg. Bon., fo. 454). Reconciled and instituted R. of Mistley-cum-Manningtree, 25 Jan. 1554/5, on deprivation of Silvester Campion (Newc., ii, 442). He held this living till the restoration of Silvester Campion. Restored as R. of Wickham Bishops after 1559 and died before April 1560 (Newc., ii, 663).

Brome, late vicar of Stanton Lacy in Shropshire, by his successor Thomas Hopkyns. Thomas Brome,

> being a maried priest, well perceaving and knowing the Quene her most gratious letters of commission to be directed to the ordinary of the diocese of Hereford . . . for the deprivacion and removing of all maried priests from their benefices and spirituall cures, bearing date the fourth day of March in the first yere of her most gratious raigne, of frawde and collusion . . . foure dayes before his deprivacion . . . made a leace of the said Vicaradge and demysid the same, with the mansion howse, glebe landes and all other tithes, profets and comodities belonging thereunto, (upon secret covenants and agreaments betwyn them that the wiff of the said lessor should have hir living in the same) to one William Phillips and John Cotes (very frindes to the said lessor and his wif) for the terme of sixe yeres . . . yelding therfore the yerely rent of fourtene pounds and two shillyngs . . . to the said vicar and his successors, where as the yerely value therof is now and was then cessid and ratid . . . at sixtene pounds a yere ; the said leace to begin from the day of the making thereof.

In return for this low rent William Phillips and John Cotes allowed the " said Sir John [*sic*] Brome priest, his wif and children, to inhabite and dwell in the mansion howse of the said Vicarage " after his deprivation.[1]

It was not until March 1553/4, six months after Mary's accession, and two months after their suspension, that formal proceedings against the married clergy were commenced. On 4 March Bonner received a letter from the queen complaining of the " insolency and ungodly rule " of the " laity and also of the clergy, and chiefly of the clergy ", and enclosing certain articles to " be put in speedy Execution in the whole diocese ". These articles included instructions " summarily and with all celerytie " to deprive all married clergy and sequester the fruits of their benefices during the process.[2] Two days later, on

[1] P.R.O., C. 1/1357/85. For a similar lease in Gloucestershire, see G. Baskerville, *E.H.R.*, xliv (1929), 9.

[2] Reg. Bon., fo. 341 ; Foxe, vi, 426 ; Frere, p. 60.

6 March, Bonner sent mandates to the archdeacons of Essex, Colchester and Middlesex, who then shared the jurisdiction of the county of Essex, ordering the execution of the queen's letter and the articles against married priests and other delinquents, copies of which he enclosed.[1] These mandates were followed four days later, on 10 March, by commissions to the archdeacons to sequester the fruits of the benefices of married priests.[2]

The archdeacons, on receipt of these instructions, began to carry them out as promptly as Mary could have wished, for in less than a week Thomas Donnell, rector of Toppesfield, had been deprived and his successor instituted.[3] But the whole process of weeding out the married clergy was not complete until 13 December 1557, when the last institution to a benefice vacant by the deprivation of a married priest is entered in Bonner's Register.[4]

An examination of the personnel of the 88 priests so deprived reveals a most oddly assorted company. Thomas Rose, the "godly" vicar of West Ham,[5] would hardly have appreciated his association with Richard Bromley, vicar of Great Wendon,[6] who had to sue out a pardon in 1557 for having murdered Richard Field and his wife in their beds at eleven o'clock at night after "burglariously"

[1] Reg. Bon., fo. 341.

[2] Reg. Bon., fo. 345; Frere, p. 166. This commission is only directed to the archdeacon of Colchester, but almost certainly similar commissions would be sent to all the archdeacons.

[3] Thomas Donnell, B.D., R. of Toppesfield, 26 Dec. 1551 (Newc., ii, 608)–before 15 Mar. 1553/4, deprived for marriage (Reg. Bon., fo. 449). Went into exile (Garrett, p. 145). By 1560 restored as R. of Toppesfield (C.C.C.C., 122, fo. 63).

[4] 13 Dec. 1557, Thomas Tye was instituted to the Vicarage of Gt. Bentley vacant by deprivation of John Sherman, married priest (Reg. Bon., fo. 473).

[5] Thomas Rose, V. of W. Ham, 27 Jan. 1551/2 (Newc., ii, 304)–before 5 June 1554, deprived for marriage (Reg. Bon., fo. 452). Had been in trouble in Henry VIII's reign for "his godly zeal towards religion" (Strype, *Eccl. Mem.*, ii, pt. i, p. 523; Foxe, viii, 581). In prison after deprivation, but escaped. By 1560 restored to W. Ham (C.C.C.C., 122, fo. 31).

[6] Richard Bromley, V. of Gt. Wendon, 4 July 1549–before 11 Nov. 1554, deprived for marriage (Reg. Bon., fos. 166, 458).

breaking into their house armed with knives and "hedging-billes".[1] At least five of the deprived were ex-religious turned adrift for the second time in twenty years.[2] Scholars of the type of Richard Alvey, rector of Thorrington and Sandon—"a man of a strict life, of great learning and of so venerable behaviour"[3]—found themselves classed with half-educated priests like Richard Jackson, rector of Mashbury,[4] who was more at home playing cards in a common gaming-house "to the pernicious example of others"[5] than discoursing in the pulpit to their edification.[6] Consistent time-servers like Henry Sydyall, rector of Wood-

[1] *Cal. Pat. Rolls*, 3 & 4 Ph. & M., pt. v, p. 357.

[2] John Copshesse, late abbot of Beeleigh (Newc., ii, 616; Challoner-Smith, *Trans. Essex Arch. Soc.*, New Series, vii, 46), R. of St. Lawrence, a Beeleigh living, 9 Aug. 1533 (Newc., ii, 372)–before 29 April 1554, deprived for marriage (Reg. Bon., fo. 451), 1559 subscribed as curate of Latchingdon (Lamb., Cart. Misc. xiii, pt. 2, no. 57; Gee, p. 104). 1560 restored to St. Lawrence C.C.C.C., 122, fo. 38).

Richard Pynde, late canon of Beeleigh (Reg. Tunstall, fo. 167), R. of Langford, 16 Jan. 1539/40 (Newc., ii, 363)–before 29 May 1554, deprived for marriage (Reg. Bon., fo. 452). By 1560 restored to Langford (C.C.C.C., 122, fo. 48).

John Sherman, late canon of St. Osyth (*V.C.H., Essex*, ii, 160–1), V. of Gt. Bentley, 23 July 1541 (Newc., ii, 50)–before 13 Dec. 1557, deprived for marriage (Reg. Bon., fo. 473). Reconciled and reappointed V. of Bulmer, 24 Oct. 1556 (Newc., ii, 106).

Thomas Sykes, late canon of Royston (Reg. Stokesley, fo. 73), V. of Rickling, 3 Dec. 1546–before 4 Sept. 1554, deprived for marriage (Reg. Bon., fos. 157, 455).

Christopher Threder, late Dominican friar (Reg. Tunstall, fo. 167), V. of Walden, 18 Dec. 1544 (Newc., ii, 627)–before 25 Feb. 1554/5, deprived for marriage (Reg. Bon., fo. 461). Reconciled and reappointed R. of Whissonsett, Norwich diocese, 8 Aug. 1555 (Register of Bishop Hopton).

[3] Richard Alvey, S.T.B., R. of Thorrington, 12 Mar. 1538/9 (Newc., ii, 593)–before 21 May 1554, deprived for marriage (Reg. Bon., fo. 452); R. of Sandon, 13 Nov. 1548 (Newc., ii, 517)–before 22 May 1554, deprived for marriage (Reg. Bon., fo. 452). Went into exile with his wife (Garrett, pp. 71–2). By 1560 restored to both Thorrington and Sandon (C.C.C.C., 122, fos. 41, 46). See *D.N.B.*; quotation from Isaac Walton, *Life of Hooker*, p. 45.

[4] Richard Jackson, R. of Mashbury, 10 Dec. 1550 (Newc., ii, 409)–before 7 April 1554, deprived for marriage (Reg. Bon., fo. 449). By 1559 restored as R. of Mashbury (Lamb., Cart. Misc., xiii, pt. 2, no. 57; Gee, p. 105).

[5] Essex R.O., Q/SR5/4.

[6] C.C.C.C., 122, fo. 62.

ford,[1]—" a very inconstant man in his religion "—who later took part in persuading Cranmer to recant,[2] suffered deprivation in company with uncompromising professors of the gospel like Thomas Whittle, vicar of Kirby-le-Soken,[3] who was burnt in 1556.[4] Some, like John Blank, vicar of Thorpe-le-Soken,[5] were turned out of livings which they had held little over a year; but others, like James Radcliffe, rector of Woodham Walter,[6] and John Draper, rector of Rayleigh, from the cures they had served for over thirty. For once the holder of wealthy preferments, such as Bernard Sandiforth, prebendary of Westminster [7] and vicar of Canewdon, worth over thirty-four pounds a year,[8] had no advantage over unfortunates like Christopher Newton, rector of Twinstead,[9] who struggled along with one meagre benefice worth only six.[10] Rich or poor, learned or unlearned, godly or ungodly, the invidious title " married priest " allowed of no distinctions.

Strype suggests that these deprivations were intended to get rid of those who favoured Edward VI's proceedings, and that " the taking advantage of their wedlock was thought a good expedient for this purpose ".[11] But in so doing he ignores the clause in the royal articles which provided that those who were willing to put away their

[1] Henry Sydyall, R. of Woodford, 5 July 1530 (Newc., ii, 680)–before 2 April 1555, deprived for marriage (Reg. Bon., fo. 462). Reconciled and reappointed V. of Walthamstow 14 Dec. 1557 (Newc., ii, 636).

[2] Wood, *Fasti Oxon.*, i, 155. See his signature as witness to Cranmer's recantation in Bonner's Register, fo. 243.

[3] Thomas Whittle, V. of Kirby, 18 April 1550 (Newc., ii, 353)–before 1 Feb. 1554/5, deprived for marriage (Reg. Bon., fo. 460).

[4] Foxe, vii, 723.

[5] John Blank, V. of Thorpe, 12 April 1553 (Newc., ii, 586)–before 13 Aug. 1554, deprived for marriage (Reg. Bon., fo. 454).

[6] James Radcliffe, R. of Woodham Walter, 3 Feb. 1517/18 (Newc., ii, 684) before 4 Oct. 1554, deprived for marriage (Reg. Bon., fo. 457).

[7] Hennessey, p. 446.

[8] *Valor Eccl.*, i, 447.

[9] Christopher Newton, R. of Twinstead, was deprived for marriage before 29 Nov. 1555 (Reg. Bon., fo. 464). The date of his institution is unknown.

[10] *Valor Eccl.*, i, 441.

[11] Strype, *Eccl. Mem.*, iii, pt. i, p. 168.

wives and do penance might be readmitted to ministration, " so it be not in the same place ". The subsequent careers of the deprived, so far as they can be traced, show that those who could be considered wholeheartedly devoted to the cause of the Reformation were in the minority, and that the majority were individuals of small importance, understanding, integrity or conviction, who could safely be reappointed after moral indignation had been satisfied with a sufficient penance. Indeed, Foxe hints that some, having embarked upon matrimony without due circumspection, were now " contented of their own inconstant accord to be separated from their wives ".[1]

At least 28 of the 88 priests deprived in Essex were reappointed after their deprivation, and therefore must have renounced their wives and gone through the prescribed form of penance. William Gippes, late vicar of Arkesden, was the first to be reappointed, being instituted to the rectory of Salcott Virley on 13 July 1554.[2] The other 27 secured benefices at various dates in the next three years. Among the last to be reappointed were James Rothwell and Henry Sydyall. James Rothwell was deprived of the rectory of Tendring before June 1554, and on 31 August following received letters testimonial from the commissary of the bishop of Norwich certifying that he had done penance, been absolved from his suspension and readmitted to the performance of his priestly office ; but he did not secure reappointment until 24 July 1557, when he was instituted to the rectory of Langenhoe after the necessary examination of his letters of reconciliation.[3] For the rest

[1] Foxe, vi, 439.

[2] William Gippes, V. of Arkesden, Feb. 1529/30 (Newc., ii, 14)–before 14 Sept. 1554, deprived for marriage (Reg. Bon., fo. 456). Reconciled and reappointed R. of Salcott Virley 13 July 1554 (Newc., ii, 513). 1559 restored as V. of Arkesden (Lamb., Cart. Misc., xiii, pt. 2, no. 57 ; Gee, p. 105).

[3] James Rothwell, R. of Tendring, 12 Mar. 1546/7 (Newc., ii, 576)–before 23 June 1554, deprived for marriage (Reg. Bon., fo. 453). 22 June 1557 produced letters of reconciliation dated 31 Aug. 1554 for examination by the Vicar-General (V.G., Crooke, fo. 259). 24 June 1557 instituted R. of Langenhoe (Newc., ii, 364).

of Mary's reign these letters of reconciliation were as essential to the ex-married clergy seeking admission to livings as were their letters of priests' orders.[1] Henry Sydyall, deprived of the rectory of Woodford before April 1555, was not reappointed till 14 December 1557, when he became vicar of Walthamstow.[2]

The figure quoted for Essex, 28 restorations out of 88 deprivations, must be taken as a minimum because of the difficulty of tracing those who, after deprivation, only secured positions as curates, or who moved out of the diocese. Some certainly had to content themselves with positions as curates. George Darby, deprived of the rectory of Bures in the diocese of Norwich,[3] on 9 November 1556 appeared before the bishop of London's vicar-general and was ordered to produce his letters of reconciliation—"eo quod erat nuper uxoratus"—before being allowed to officiate as curate of Great Holland in Essex.[4] In 1559 John Ayer, deprived of the rectory of Ashingdon,[5] and John Copshesse, deprived of the rectory of St. Lawrence, both subscribed as curates, of North Fambridge and Latchingdon respectively, and it is possible that they had secured these appointments in Mary's reign after their deprivation. The same applies to Thomas Symond, the deprived vicar of Messing,[6] who described himself in the same subscription list as "late curate of Rettendon".[7]

[1] Cf. Lambert Pechey, newly instituted R. of Tilbury-juxta-Clare, who on 13 Nov. 1557 had to produce his letters of reconciliation granted 18 Nov. 1554 by the bishop of Chichester, after his deprivation of vicarage of Eartham in the diocese of Chichester, for marriage (V.G., Crooke, fo. 280).

[2] Newc., ii, 637.

[3] G. Baskerville, "Married Clergy and Pensioned Religious in Norwich Diocese", *E.H.R.*, xlviii (1933), 63. George Darby had been R. of Bures since 1543.

[4] V.G., Crooke, fo. 236. He became R. of Gt. Holland later, 18 Jan. 1558/9 (Newc., ii, 333).

[5] John Ayer, R. of Ashingdon, 11 Mar. 1549/50 (Newc., ii, 21)–before 18 May 1555, deprived for marriage (Reg. Bon., fo. 462). Subscribed 1559 as curate of N. Fambridge (Lamb., Cart. Misc., xiii, pt. 2, no. 57).

[6] Thomas Symond, V. of Messing, 11 June 1551 (Newc., ii, 417)–before 7 Sept. 1554, deprived for marriage (Reg. Bon., fo. 455).

[7] Lamb., Cart. Misc., xiii, pt. 2, no. 57; Gee, p. 108.

The movement of the clergy from diocese to diocese is shown by the appearance in Essex of the deprived married clergy of other dioceses. Aristotle Webb, an ex-monk of Glastonbury, deprived of the rectory of Ewhurst in the diocese of Winchester,[1] on 5 July 1555, became vicar of Brightlingsea in Essex.[2] Stephen Caston, deprived of the rectory of Stratford in the diocese of Norwich,[3] on 9 May 1556 became rector of Sutton in Essex [4]; while Lambert Pechey, deprived of Eartham in the diocese of Chichester [5] and Gatcombe in the diocese of Winchester,[6] was instituted on 12 November 1557 to Tilbury-juxta-Clare in Essex. On the analogy of these and other instances we should expect some of the Essex clergy to find their way into benefices outside the county. Edward Keble and Christopher Threder certainly did so; Edward Keble, late rector of Upminster in Essex, was admitted to two livings in the diocese of Canterbury after his deprivation, Badlesmere on 16 March 1556/7, and Sheldwick on 15 January 1557/8 [7]; and Christopher Threder deprived of the rectory of Walden in Essex, secured the livings of Whissonsett and Weasenham in the diocese of Norwich in 1555 and 1557.[8]

Strype's complaint, therefore, of the rich harvest falling to popish curates as a result of the deprivations must be qualified.[9] The process was rather one of shuffling the

[1] A. W. Goodman, "Hampshire Incumbents", *Hampshire Field Club Papers and Proceedings*, xiv, pt. i, 1938. He was restored to Ewhurst in 1559.

[2] Newc., ii, 95.

[3] Baskerville, "Norwich Deprivations", *E.H.R.*, xlviii (1933), 59.

[4] Newc., ii, 567.

[5] V.G., Crooke, fo. 280.

[6] Goodman, *loc. cit.* He was restored to Gatcombe in 1559.

[7] Edward Keble, R. of Upminster, 4 April 1537 (Newc., ii, 618)–before 20 April 1554, deprived for marriage (Reg. Bon., fo. 450); instituted to Badlesmere, Cant. dioc., 16 Mar. 1556/7 (Reg. Pole, fo. 71) and Sheldwich, Cant. dioc., 15 Jan. 1557/8 (Reg. Pole, fo. 75).

[8] Christopher Threder was instituted R. of Whissonsett, Norwich, 8 Aug. 1555, and V. of Weasenham, Norwich, 17 Nov. 1557 (Register of Bishop Hopton). I am indebted to Mr. Baskerville for this reference.

[9] Strype, *Eccl. Mem.*, iii, pt. i, p. 168.

existing personnel than of creating a new one.[1] Indeed in some cases two of the deprived clergy simply exchanged benefices, as for example Anthony Redfern and Adam Richardson, who exchanged the rectories of Little Chesterford and Panfield.[2]

The articles also provided that in the case of those who put away their wives and did penance, the bishop and his officers might appoint them "such a portion to live upon out of the benefice whereof they be deprived . . . as they shall think may be spared of the said benefice". The evidence for the actual payment of any such pensions has so far been conspicuous by its absence. On 6 June 1554 John Howsman, who succeeded to the vicarage of Canewdon on 11 April 1554 after the deprivation of Bernard Sandiforth,[3] made a lease of the vicarage to John Bodye, esquire, of London. According to the terms of this lease, John Howsman, the vicar, was to be responsible for the payment of "all suche pensyon or porcyon as herafter maye happen to be appointed . . . or assigned to Barnarde Sandeforthe doctor of lawe late vycar".[4] The phraseology hardly suggests the inevitability of any such payment; and as Bernard Sandiforth had been deprived two months before this lease was made, it is clear that the question of compensation was not necessarily dealt with either at the time of deprivation, or on the institution of a successor, and may

[1] It is hardly the drastic "purging the Church of unworthy priests" described by H. N. Birt (*Elizabethan Religious Settlement*, p. 201) since so many were readmitted to ministration.

[2] Anthony Redfern, R. of Little Chesterford, Feb. 1537 (Newc., ii, 134)–before 21 June 1555, deprived for marriage (Reg. Bon., fo. 463); reconciled and admitted R. of Panfield on deprivation of Adam Richardson 30 Jan. 1554/5 (Reg. Bon., fo. 460) till his restoration. 1559 restored as R. of Lit. Chesterford (Lamb., Cart. Misc., xiii, pt. 2, no. 57; Gee, p. 107).

Adam Richardson, R. of Panfield, 31 July 1542 (Newc., ii, 461)–before 30 Jan. 1554/5, deprived for marriage (Reg. Bon., fo. 460); reconciled and admitted R. of Lit. Chesterford on deprivation of Anthony Redfern 21 July 1555 (Newc., ii, 461) till his restoration. 1559 restored as R. of Panfield (Lamb., Cart. Misc., xiii, pt. 2, no. 57; Gee, p. 107).

[3] Newc., ii, 121.

[4] Reg. Bon., fos. 355–6.

in fact never have been dealt with at all.[1] In many cases the profits of livings were so small that it would have been impossible to diminish them further without reducing them to the level of those meagre livings which are described with such distressing frequency in contemporary official returns as vacant " propter exilitatem ".

Among those who cannot be traced as having been reappointed we find men who were actively hostile to the Marian government, and who would probably have got into trouble in the reign even if they had not been married. Two, Robert Drakes and Thomas Whittle, suffered martyrdom after their deprivation. Robert Drakes, rector of Thundersley, who, according to Foxe, had been ordained by Cranmer " not after the order then in force but after such order as was afterwards established "—that is the English ordinal first used in London on 22 June 1550—was deprived for marriage [2] before June 1556. In March 1554/5 he was sent up to Gardiner, then chancellor, and after being in prison for a year was condemned for heresy in Bonner's consistory court on 28 March 1556, and was burnt at Smithfield on 24 April.[3] Thomas Whittle, vicar of Kirby, after his deprivation for marriage " went abroad where he might, now here and there as occasion ministered, preaching and sowing the Gospel of Christ ". Eventually he was apprehended and sent up to Bonner. Like Cranmer he signed a formal submission, only to tear it out of the

[1] Those who still owed first fruits to the Crown, however, for the benefices they had lost, were released from all obligation to pay them by a special pardon given under the privy seal on 20 Oct. 1554 (P.R.O., S.P. 11/4/26 and Plea Rolls of Court of First Fruits and Tenths, P.R.O., E. 337/1/52). Many appeals from the deprived married clergy appear in the Plea Rolls after this date. To give but three Essex examples, John Blank, late vicar of Thorpe, Robert Thomason, late vicar of Sutton, and John Carter, late vicar of Hockley, were exonerated from payment of first fruits for those livings on production of certificates from the bishop of London stating that they had been deprived for marriage (P.R.O., E. 337/2/145,217,326).

[2] 7 June 1554 Thundersley was declared vacant " per deprivationem Roberti Drakes clerici coniugati " (Reg. Bon., fo. 453).

[3] Foxe, viii, 105–13. The question of his ordination does not seem to have been brought up during his examination.

registrar's book the next day. He was then condemned and degraded and burnt on 7 January 1555/6.[1] It is surely more than a coincidence that his late parish was one of those complained of by the privy council on 23 June 1555, for obstinately refusing to give up the English service.[2]

Thomas Rose, vicar of West Ham, who for over twenty years had been one of the most extreme and fanatical adherents to the cause of the Reformation, was fortunate to escape martyrdom. After his deprivation for marriage he was supported by friends " who received him in London secretly, as their teacher in the congregation ". A year later, however, he was betrayed by an informer in his congregation and was taken at a service in Bow Churchyard. He was examined by Gardiner and by the bishop of Norwich, but through the friendliness of one of his keepers managed to escape, and, according to his own statement, " passed over the seas ".[3]

Besides Thomas Rose there were only four who voluntarily retired to the continent after their deprivation. They were all men whose regard for a university education and scholastic achievements may mark them out as of sufficient intelligence to grasp the fundamental issues and to hold definite opinions about them. Richard Alvey, who took his wife into exile with him, was a B.D., and a prebendary of Westminster,[4] and after Elizabeth's accession became master of the Temple[5]; Thomas Donnell, B.D., was one of those who subscribed to the New Discipline at

[1] Foxe, vii, 718–30.

[2] *Acts of Privy Council*, 1554–6, p. 150.

[3] Foxe, viii, 581–99. In 1532 he was implicated in the destruction of the Holy Rood of Dovercourt. Later in Henry's reign he was in trouble for preaching against the Six Articles, and had to go into exile. He was in high favour with Cranmer in Edward's reign and was nominated for the archbishopric of Armagh (Strype, *Eccl. Mem.*, ii, pt. i, p. 523). The place of his exile in Mary's reign is unknown, and he does not appear in the recent enumeration (Garrett).

[4] Hennessey, p. 444.

[5] *Ibid.*, p. 426. He reached Frankfurt by 5 April 1555 (Garrett, pp. 71–2).

Frankfurt in 1557 [1]; John Pekyns, rector of Bradwell-juxta-Mare,[2] B.D., prebendary of Westminster,[3] had been one of the members of Convocation to sign the original resolution in favour of clerical marriage [4]; and Richard Gresham, one of those who had been ordained by Ridley in 1550 "after the new order", took the opportunity of his self-imposed exile to enter Basle University as a student.[5]

Only one more name can be added to the list of objectors, that of William Aston, late rector of Lee,[6] who was committed to the Tower on 14 January 1554/5 "for spreading abrode a slaunderous bill againste the King and Quenes Majesties".[7]

Thus of the 36 priests whose movements can be traced with any certainty between the time of their deprivation and Mary's death, only eight can be shown to have held any real objections to the reorientation of ecclesiastical policy. The remaining 28 accepted the new state of affairs, divorced their wives, and returned to their former ways of ministering in a new benefice. Indeed, conformity might be said to have been one of the essential virtues demanded of the sixteenth-century parish priest, without which the continuity of parish life, necessary to the working out of the Reformation in England, would have been hopelessly wrecked in the successive ecclesiastical squalls of the period.

But what of those who pass into obscurity? I have already suggested that some of these secured appointments outside Essex and that others got positions as curates. It is also possible that some refused to be separated from their wives and that their non-appearance in the records as

[1] Garrett, p. 145.

[2] John Pekyns, R. of Bradwell, 5 Mar. 1540/1–before 1 May 1554, deprived for marriage (Reg. Bon., fos. 134, 451).

[3] Newc., ii, 85; Wood, *Fasti Oxon.*, i, 74, 95.

[4] C.C.C.C., 114*A*, fo. 398.

[5] Garrett, p. 165.

[6] William Aston, R. of Lee, 30 Nov. 1550 (Newc., ii, 384)–before 22 Mar. 1554/5, deprived for marriage (Reg. Bon., fo. 461).

[7] *Acts of Privy Council*, 1554–6, p. 89.

beneficed clergy for the rest of Mary's reign is due to this refusal. William Lynch, deprived of Beauchamp Roding and Willingale Doe, does not seem to have been reappointed, but when he reappears at the beginning of Elizabeth's reign, restored to both benefices, his wife is with him.[1] Richard Holden, deprived of the rectory of Stanford-le-Hope, died some time between his deprivation and September 1560, when the administration of his goods was granted to his wife Dorothy, a legal recognition of her status which would have been improbable had he put her away.[2]

Others, like Richard Holden, may have died in the interval. James Radcliffe, who does not reappear, had already been a beneficed priest for nearly forty years at the time of his deprivation.

The majority of those not reappointed must have been dependent on the support of their friends, in some cases assured by agreements made before deprivation such as I have described. The more fortunate may have found refuge in the houses of the gentry ; Thomas Rose was helped by Lady Vane,[3] and George Savage, late vicar of Tolleshunt

[1] William Lynch, R. of Willingale Doe, 18 Aug. 1537 (Newc., ii, 668)–before 7 April 1554, deprived for marriage (Reg. Bon., fo. 449) ; R. of Beauchamp Roding 30 Jan. 1524/5 (Newc., ii, 503)–before 30 Mar. 1554, deprived for marriage (Reg. Bon., fo. 452 ; according to Newcourt he held Beauchamp Roding 1524–1570 without break, but actually he was deprived in 1554, and the living was held successively by Richard Morgan, Robert Wyse, and Geoffrey Philipps between the time of his deprivation and his restoration, see Reg. Bon., fos. 452, 467, 473). 1559 he was restored to both livings (Lamb., Cart. Misc., xiii, pt. 2, no. 57 ; Gee, p. 106).

[2] V.G., Crooke, fo. 342. The equivocal legal position of the wives of married priests is most clearly illustrated by the careful terms in which a Norfolk priest, Robert Hunt, drew up his will in August, 1554 : " I give and bequeth unto Elenor my wyff yf the lawe of the Realme permytt yt, yf not I give and bequeth to Elenor Baker, all my moveables N——", and again, " also the rest of my goods not bequeathed I give unto Elenor my wyff or Elenor Baker whome I make myne Executrix ". (Proved at Gt. Bircham, 21 Sept. 1554. Archdeaconry of Norfolk, Lib. 1553–5, fo. 311. Printed in *The Eastern Counties Collectanea*, 1872–3, p. 69.) I am indebted to Mrs. I. Hood for this reference.

[3] Foxe describes Lady Vane as " a special nurse and great supporter (to her power) of the godly saints which were imprisoned in Queen Mary's time ". Foxe, vii, 234.

Major,[1] was one of Lord Abergavenny's domestic chaplains [2] and may have lived in his household until Mary's death when he was restored to his living.

These deprivations were naturally not recognised as legal by contemporary protestant writers. Bishop Ponet, himself a victim, pointed out that those who enjoyed the profits of the possessions of married priests "should right well note that like as princes and rulers be subject to changes, so a poor man's right dieth not. What is extortion if this be not? To put out of goods and living one without a cause and to thrust in another without a just title?" [3] Therefore it is hardly surprising that after Elizabeth's accession, with the exiles flocking back from the continent, and the archbishop-designate of Canterbury himself a married man, a movement was started to restore the married clergy to their late benefices and remove their successors describing them as "usurpers".

On Wednesday, 8 March 1558/9, some four months after Elizabeth's accession, a Bill "to restore Spiritual Persons that were deprived for Marriage or Heresies" made its first appearance in the Commons.[4] D'Ewes dismisses it as a Bill "of no great moment".[5] It was not till almost a month later, on 6 April, that it was read a second time, when it was committed to Mr. Goldsmyth and others not named,[6] and this was apparently the end of it.

On 27 April, however, a new Bill appeared, "the Bill that the Queen by Commission may restore Spiritual persons deprived".[7] It had its second reading two days later, 29 April, and was ordered to be engrossed.[8] Its

[1] George Savage, V. of Tolleshunt Major, 2 Feb. 1552/3 (Newc., ii, 604)–before 6 Aug. 1555, deprived for marriage (Reg. Bon., fo. 463). Restored by 1560 (C.C.C.C., 122, fo. 48).

[2] C.C.C.C., 122, fo. 48.

[3] Strype, *Eccl. Mem.*, iii, pt. 1, p. 171.

[4] *Commons' Journals*, 1547–1659, p. 57.

[5] D'Ewes, *Journal*, p. 50.

[6] *C.J.*, p. 59; D'Ewes, p. 53.

[7] *C.J.*, p. 61; D'Ewes, p. 55.

[8] *C.J.*, p. 61; D'Ewes, p. 55.

fate was still very uncertain, for on the 30th Dr. Sandys wrote to Parker: "The bill is in hand to restore men to their livings; how it will speed I know not. The parliament is like to end shortly and then we shall understand how they mind to use us." [1] But on 2 May it safely passed its third reading and was sent up to the House of Lords.[2] The same day it was read for the first time as the Bill "that the Queen's Majesty by commission may examine the causes of deprivation of spirituall persons and restore them againe".[3] On 3 May it received its second reading,[4] but on Friday, 5 May, at its third reading, the Lords rejected it.[5]

This rejection is surprising in view of the fact that the northern visitors, in their instructions of 24 June following, were definitely ordered "causas deprivationum examinandum et contra statuta et ordinationes hujus regni nostri Angliae vel iuris ecclesiastici ordinem deprivatos restituendum".[6] The writ for the permanent commission issued on 19 July was even more explicit, for it gave the commissioners

full power and authority . . . summarily to hear and finally determine according to your discretions and by the laws of this realm all causes and complaints of all them which in respect of religion or for lawfull matrimony contracted and allowed by the same were injuriously deprived, defrauded and spoiled of their lands, goods, possessions, rights, dignities, livings, offices, spiritual and temporal; and them so deprived as before to restore into their said livings . . . amoving the usurpers in convenient speed . . .[7]

[1] *Parker Correspondence* (Parker Soc.,xlix), p. 65.

[2] *C.J.*, p. 61; D'Ewes, p. 55.

[3] "An Unpublished Manuscript of the Lords' Journals for April and May 1559", E. Jeffries Davis, *E.H.R.*, xxviii (1913), 141; D'Ewes, p. 30.

[4] Davis, *loc. cit.*, p. 143; D'Ewes, p. 31.

[5] Davis, *loc. cit.*, p. 145. D'Ewes, p. 31, erroneously states that it was passed with two other minor Bills. The other two Bills appear in the *Statutes of the Realm* but the Restoration Bill does not. From the Lords' Journals it is quite clear that it was rejected.

[6] Gee, *Elizabethan Clergy*, p. 92; from S. P. Dom. Eliz., x, p. 1.

[7] *Ibid.*, p. 147; from Pat. Roll 1 Eliz., pt. 9, m. 23d.

Two explanations of the rejection of the Bill are possible. In view of the wide powers given to the crown by the Act of Supremacy to appoint commissioners to "visit, reform, redress, order, correct and amend" [1] it may have been thought superfluous. Or else Elizabeth herself may have intervened at the last moment, her distaste for the marriage of the clergy [2] determining her to prevent so explicit and final a recognition of the legal rights of married clergy being placed upon the Statute Book; even though their immediate claims could not be ignored when it came to issuing instructions to her visitors and commissioners. This would be in keeping not only with the fact that the two Statutes of Edward VI legalising the marriage of the clergy, which had been repealed by Mary, are not revived in the Act of Supremacy,[3] but also with Dr. Sandys' complaint to Parker in the letter quoted before: "Nihil est statutum de coniugio sacerdotum sed tanquam relictum in medio. . . . The Queen's Majesty will wink at it but not stablish it by law."

By August 1559, however, the process of restoration, authorised by letters patent, had begun. In that month the clergy were required by the royal visitors to sign their names acknowledging the royal supremacy, the forms of ministration set out in the Book of Common Prayer, and the orders contained in the royal injunctions. A comparison of the names in the London subscription list [4] with those

[1] *Ibid.*, p. 14.

[2] See Parker's complaint to Cecil: "I was in horror to hear such words to come from her mild nature and Christianly learned conscience, as she spake concerning God's holy ordinance and institution of matrimony . . ."; and Cecil's to Parker: "Her Majesty continueth very ill affected to the state of matrimony in the clergy, and if I were not therein very stiff her Majesty would utterly and openly condemn and forbid it . . ." (1561. *Parker Corr., ubi supra*, nos. cxiv, cvii, pp. 156, 148).

[3] W. H. Frere, *Visitation Articles and Injunctions*, iii, 18, n.3.

[4] Lamb., Cart. Misc., xiii, pt. 2, no. 57. The list of subscriptions given in Gee, pp. 102–9, is incomplete. Some names are omitted altogether, e.g. Laurence Agar, curate of St. James, Colchester; others are included without the name of their cure, e.g. William Steyne, rector of Shellow Bowells (though the clergy did not invariably add the

in a certificate of the clergy of the diocese of London drawn up more than a year later, in February 1560/1,[1] does much to clarify the course of the restorations. In the 1559 subscription list ten of the deprived clergy signed as actually restored to their former livings. William Lynch had secured restoration to both of his. Richard Borow and Thomas Wilson were in process of being restored. Richard Borow, who had been deprived of Ardleigh [2] and not reappointed, described himself as " formerly of Ardleigh ", but by February 1560 he was once more resident on the benefice.[3] Thomas Wilson who, after his deprivation of Steeple and South Benfleet, had been reappointed rector of Langford, described himself as " formerly of Langford ", so apparently he had abandoned Langford but not yet secured restoration to South Benfleet, for which the Vicar Thomas Parker subscribed, or to Steeple, for which the curate Edward

name of their cure to their signature). The names of 26 of the late deprived clergy of Essex can be found in this list. James Bilney, late V. of Chigwell, added the comment " ore non tantum sed ab intimo corde " to his signature. William Lynch and Adam Richardson both subscribed twice, once for each of their livings. Some of the deprived clergy of Essex subscribed in other dioceses, e.g. Christopher Threder, whose name appears in the Norwich Subscriptions.

[1] C.C.C.C., 122, fos. 25–65. On 18 Nov. 1560 Parker wrote to Grindal asking for a certificate of the names of the clergy of his diocese, with details concerning their orders, residence, hospitality and learning. N.B. not marriage (Reg. Grindal, fo. 7 ; *Parker Correspondence*, no. xci, p. 127). On 28 Nov. Grindal wrote to the Archdeacons of London, Essex, Middlesex, Colchester and St. Albans ordering them to draw up this return (Reg. Grindal, fo. 7). The Archdeacon of London's list was drawn up on 6 Dec. 1560 (C.C.C.C., 122, fo. 25) and the lists of the three Essex Archdeacons were complete by the end of February 1560/1. This return is quite distinct from the 1561 return which was drawn up in answer to Parker's letter of 1 Oct. 1561 (C.C.C.C., 122, fo. 3), and which required the additional information " whether married or unmarried ". The 1561 certificates for the archdeaconries of Essex and Colchester are missing, so that for Essex we only have information concerning the clergy of the deaneries of Hedingham, Harlow and Dunmow which came under the jurisdiction of the archdeacon of Middlesex (C.C.C.C., 122, fos. 156–67). The 1561 returns for the archdeacons of London (fos. 77–89), St. Albans (fo. 103) and Middlesex (fos. 151–71 are extant.

[2] Richard Borow, V. of Ardleigh, 25 Aug. 1531 (Newc., ii, 12)–before 7 June 1554, deprived for marriage (Reg. Bon., fo. 452).

[3] C.C.C.C., 122, fo. 46.

Eland subscribed. He was, however, restored to both of these livings before his death the next year.[1] John Bennet had certainly not got back to his former living of Epping, though he was restored later, for he subscribed as rector of Netteswell, a living to which he had been admitted earlier in the year, while John Kellett, his successor in the vicarage of Epping, subscribed as vicar there.[2]

By February 1560/1, however, 28 of the original 88 deprived had been restored to their benefices in Essex; and two, Thomas Chipping and Thomas Downing, though not restored to their Essex benefices, were restored to benefices which they had held outside the county, Thomas Chipping to St. Mary Magdalen, Old Fish Street, in the City of London,[3] and Thomas Downing to Besthorpe in

[1] Thomas Wilson, V. of Steeple, 4 July 1516 (Newc., ii, 559)–before 9 June 1554, deprived for marriage (Reg. Bon., fo. 453); V. of South Benfleet 7 Aug. 1534 (Newc., ii, 48)–before 24 Jan. 1554/5, deprived for marriage (Reg. Bon., fo. 460). Reconciled and reappointed R. of Langford 13 Nov. 1556 (Reg. Bon., fo. 468) till restoration of Richard Pynde. By 1560 restored to both livings (Newc., ii, 48, 559; C.C.C.C., 122, fo. 33).

[2] John Bennet, V. of Epping, 30 Nov. 1546–before 13 Nov. 1554, deprived for marriage (Reg. Bon., fos. 157, 458). R. of Netteswell, 6 April 1559 (Newc., ii, 435). His restoration to Epping was probably delayed by his anxiety not only to recover Epping, but also to retain Netteswell, which he could not do without a dispensation to hold two livings. He was fortunate in having an influential patron in Lord John Grey of Pirgo, whose chaplain he was (P.R.O., S.P. 12/76), and who wrote to Grindal on his behalf on 23 Jan. 1559: "Wheras thys bearer my man in Quene Maries dayes hath suffered no small persecucion for the wourde of goddeis sake as yf it may please your Lordship therof to examyne hym, he can more playnly declare the same, for the whiche cause it hathe moved me to wryte unto yow in hys behalf—so as the rather by your good meanes he maye obtayne hys former benefyce loste in quene Maries dayeis, the whiche he may not now have withowte the losse of a lyttell small thyng yt he is nowe possessed of within ii myleis of hys said benefice althowgh the partie which now inioyeth the same is very well contented to restore it to my man, unlesse he maye optayne a pluralytie at my lord of Canterberyes handeis——" (C.C.C.C., 114A, fo. 283). The required dispensation was granted on 15 Feb. 1559/60 and in 1560 we find him restored to Epping (C.C.C.C., 122, fo. 32).

[3] Thomas Chipping, R. of Horndon-on-the-Hill, 4 July 1544 (Newc., ii, 343)–before 25 Nov. 1554, deprived for marriage (Reg. Bon., fo. 458); also deprived of St. Mary Magdalen, Old Fish St., to which he was restored by 1560 (Hennessey, p. 319; C.C.C.C., 122, fo. 30).

the diocese of Norwich.[1] Some of the deprived had not only been restored to their former livings but had also managed to retain those acquired since their deprivation. Silvester Campion recovered his original living of Mistley, but also retained the rectory of Henny, at which, apparently, he preferred to be resident, for he did not return to Mistley.[2] Adam Richardson, on the other hand, while retaining his new benefice of Great Oakley, on restoration went back to live on his original benefice of Panfield.[3] As for those not restored, at least nine died before Elizabeth's accession,[4] and at least twelve were beneficed elsewhere and probably made no attempt to return to their former livings.[5]

Only in one instance is there any suggestion that an actual reinstitution took place. John Copshesse, deprived of the rectory of St. Lawrence in 1554 and later restored, is described in the 1560/1 return as having been instituted to St. Lawrence by Grindal in 1560 [6]; but as there is no record of any such institution in Grindal's Register this may only refer to the process of restoration.

[1] Thomas Downing, R. of Goldhanger, 17 Nov. 1539 (Newc., ii, 284)–before 20 July 1554, deprived for marriage (Reg. Bon., fo. 454); R. of Besthorpe, Norwich, 1528–54, deprived, restored 1559 (Baskerville, "Norwich Deprivations", *E.H.R.*, xlviii (1933), 55.

[2] Silvester Campion, R. of Mistley from about 1547 (V.G., Crooke, fo. 24)–before 25 Jan. 1554/5, deprived for marriage (Reg. Bon., fo. 460): Reconciled and reappointed R. of Gt. Henny, 18 Jan. 1556/7 (Newc., ii, 326) and Little Henny, 25 Jan. 1556/7 (Newc., ii, 327). 1559 subscribed as incumbent of Gt. and Little Henny (Lamb., Cart. Misc., xiii, pt. 2, no. 57; Gee, p. 103). By 1560 restored to Mistley but not resident there (C.C.C.C., 122, fo. 47), resident and keeping hospitality in Henny (C.C.C.C., 122, fo. 64).

[3] C.C.C.C., 122, fos. 46, 63.

[4] E.g. David Bennet, R. of Abberton, 7 Dec. 1534 (Newc., ii, 3)–before 23 Aug. 1554, deprived for marriage (Reg. Bon., fo. 455); reconciled and reappointed R. of Gt. Bromley, 15 Sept. 1554 (Newc., ii, 97) till his death some time before 31 Jan. 1556/7 (Reg. Bon., fo. 469).

[5] E.g. Anthony Hewetson, R. of Aldham, 30 Dec. 1534 (Newc., ii, 6–7)–before 30 Mar. 1555, deprived for marriage (Reg. Bon., fo. 461); reconciled and reappointed R. of Wakes Colne, 24 Sept. 1554 on deprivation of John Cally (Reg. Bon., fo. 457) till restoration of John Cally; instituted R. of Bures ad Montem, 31 Jan. 1559/60, which he held till his death before 1562 (Newc., ii, 103).

[6] C.C.C.C., 122, fo. 38.

Fitness for ministry does not seem to have been taken into account in investigating the claims of the deprived clergy for restoration, since the best that could be said for Edward Daniel after his restoration to the rectory of Peldon [1] was that he would have been able to preach "if age and contynuall sickness letted not".[2]

It is impossible to say what proportion of the deprived clergy recovered their wives at this time, because in only twelve cases is there any evidence of their married state or otherwise after Elizabeth's accession.[3] Two were unmarried.[4] The other ten were all married; five of these had not been reappointed in Mary's reign, so it is unlikely that they had ever parted from their wives at all [5]; and four who had abandoned their wives, at least officially, as is shown by their reappointment in Mary's reign, had either been reunited with them after Elizabeth's accession, or else, undaunted by their previous experience, had married a second time.[6] In the last case, that of Thomas Chipping, the date of his reappointment after deprivation being uncertain, it is impossible to say whether or not he had put away his wife in the interval.[7]

Just as the deprivation of the married clergy in Mary's reign cannot be taken as evidence of a deliberate policy to remove those unfavourable to the reconciliation with Rome, so the removal of the "usurpers" in no way marks the

[1] Edward Daniel, R. of Peldon, 29 Jan. 1523/4 (Newc., ii, 466)–before 5 Sept. 1554, deprived for marriage (Reg. Bon., fo. 455). 1559 subscribed as R. of Peldon (Lamb., Cart. Misc. xiii, pt. 2, no. 57; Gee, p. 104).

[2] C.C.C.C., 122, fo. 45.

[3] Two-thirds of the 1561 certificate of the clergy of Essex are missing. See supra, p. 164, note 1.

[4] Henry Sydyall (C.C.C.C., 122, fo. 142. Surrey Return); James Bilney (C.C.C.C., 97, fo. 204, Norwich Return).

[5] Thomas Donnell (C.C.C.C., 122, fo. 162–3, Middlesex Return); William Lynch (*Ibid.*, fo. 156–7); Richard Jackson (*ibid.*, fo. 156–7); William Steyne (*ibid.*, fo. 156–7); Richard Holden (V.G., Crooke, fo. 342).

[6] Silvester Campion (C.C.C.C., 122, fo. 162–3, Middlesex Return); Adam Richardson (*ibid.*, fo. 162–3); John Hodgkynne (V.G., Crooke, fo. 341); Christopher Threder (C.C.C.C., 97, fo. 206, Norwich Return).

[7] In 1561 he appears as the married rector of Nutfield, Surrey (C.C.C.C., 122, Surrey Return, fo. 140).

victimisation of those with particular leanings to popery.[1] Indeed seven of the thirty "usurpers" removed in Essex were themselves married priests,[2] five of whom were only removed in order to return to their former benefices.[3] Adam Richardson and Anthony Redfern who had changed places in 1554 simply changed back again. Thirteen of the "usurpers" were not even the original supplanters, but incumbents who had taken their place after death or resignation, and two of these had been admitted to their livings after Elizabeth's accession.[4] It was just another round of "general post", the married clergy this time having the first choice of seats. We find eighteen of the "usurpers" beneficed elsewhere almost immediately.[5] It is true that we lose sight of ten of them, but at least three of these subscribed in 1559, and there is no positive evidence to convict any of them of recusancy. Only two can justly be described as papists, John Harpsfield and John Morren, both Bonner's chaplains, who were deprived of all their preferments early in the reign as a result of their refusal to take the oath of supremacy.

The difficulty of tracing the wanderings of the more obscure members of the clergy during a period of exceptional movement among them, inevitably makes this study of their fortunes very incomplete, and the conclusions

[1] See Birt's "presumption" that "those who replaced clergy deprived for marriage or defective Orders" were "sound Catholics"; and his complaint that "Protestant writers ignore the claim of these ousted Marian priests to be ranked among the deprived" (*Elizabethan Settlement*, pp. 197, 199).

[2] E.g. Anthony Hewetson, who had to make way for John Cally, R. of Wakes Colne.

[3] E.g. John Cally, who had to make way for George Savage, V. of Tolleshunt Major, but who was himself restored to Wakes Colne.

[4] Thomas Parker, V. of South Benfleet, instituted 6 Feb. 1558/9 (Newc., ii, 48), who had to make way for Thomas Wilson, though his had been the third institution to the living since Wilson's deprivation; Thomas Corker, V. of Moreton, instituted 25 April 1559, had to make way for Robert Banks (Newc., ii, 424; C.C.C.C., 122, fo. 35).

[5] E.g. Thomas Eve, R. of Mashbury, who had to make way for Richard Jackson, before Aug. 1559, but who was instituted R. of Little Leighs, 4 April 1560, and held it till his death before 1567 (Newc., ii, 387).

drawn from it in many cases dependent on but flimsy supports. But such evidence as there is suggests that the clergy welcomed the opportunity to return to their former livings and to renew old family ties or embark upon the formation of new ones. Surely it is possible that, as the distribution of monastic property created among certain classes a vested interest in the future of the Reformation, so the removal of restrictions on the marriage of the clergy created what we might call a family interest in its progress among sections of the clergy not sufficiently enlightened to grasp the higher issues, an interest which was not without importance in guaranteeing its ultimate success.

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THE GROWTH OF A BOROUGH CONSTITUTION: NEWARK-ON-TRENT, 1549–1688

By C. G. Parsloe, B.A., F.R.Hist.S.

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It is expected of orators in Newark-on-Trent that they should refer to the town as " the loyal and ancient borough ". Historians may accept the description as accurate, for when Domesday Book was compiled there were burgesses in Newark, and its loyalty to the crown is a part of the story of its municipal development in the vigorous phase which opened in 1549 with the grant of a royal charter of incorporation. This paper is concerned with that phase, but since the mayor and aldermen were later declared the inheritors of privileges enjoyed before the town's incorporation, it may be helpful first to outline briefly its earlier organisation.

Newark [1] was the centre of a soke which belonged to the bishops of Lincoln from the Norman Conquest until it passed to the Crown by exchange in 1547. The burgesses owed suit in a " Burghmanmote " and claimed to be toll-free throughout the lordship ; the surviving bailiffs' accounts of the fifteenth century suggest that the government of the town was essentially manorial in character. One would expect such restricted privileges to arouse discontent, and of this there is some evidence in complaints about the bishop's exaction of ale-toll in the thirteenth and fourteenth centuries, and in a star chamber case relating to riots

[1] This summary of the earlier history of the town is based upon two works by Cornelius Brown, *The Annals of Newark-on-Trent*, 1879, and *A History of Newark-on-Trent*, 2 vols., Newark, 1904–7.

provoked by a dispute about commoning between the bishop's bailiff, Anthony Forster, and the townsmen in 1534–5. Probably the episcopal despotism was tempered by the activity of the guilds, and especially by that of the rich and influential Guild of the Holy Trinity. Though its objects seem to have been devotional and charitable, and though the presence of the bishop's name and the names of many local magnates in its lists of members forbids the belief that it pursued revolutionary aims of independence, there are signs that at least informally it held a place in the life of the town which would justify our regarding it as the predecessor of the corporation. Thus its chief officer was an alderman, as was that of the corporation from 1549 to 1626; a deed of 1532 refers to "the Alderman of the Trinity Guild, otherwise called the Alderman of the town of Newark [1]; and Anthony Forster, the last alderman of the guild, was the first under the charter. Three later charters, those of 1626, 1673, and 1677, confirm to the mayor and aldermen the unspecified privileges enjoyed by the alderman of the guild of the ville and his associates, and the connexion is symbolised if not proved by the first coucher of the corporation, in which the entries beginning in 1549 are preceded by nineteen folios on which are entered records of the guild from 1539 to 1546.

The charter [2] which Edward VI granted to the town on 21 December 1549, only two years after the manor became Crown property, though it proved to be the first step in a rapid increase of civic dignity and power, gave little beyond the opportunity of advancement. By it Newark became a ville incorporate of one alderman and twelve assistants. They were to enjoy perpetual succession, the power to plead and be impleaded, and to use a common seal: they might make and enforce bye-laws, and hold lands worth £40 a year. Every Michaelmas Day they were to elect in the Guildhall an alderman from among themselves and other

[1] *21st Rep. of Charity Commission*, Parl. Papers 1829, H.C. viii, p. 326.
[2] P.R.O., Patent Roll, 3 Ed. VI, Pt. xi, m. 25 (C. 66/825).

inhabitants ; if he retired or died during his year of office the assistants were to choose one of their number to succeed him within twenty days, while vacancies among the assistants were to be filled within the same time by the alderman and the survivors, who could compel the chosen person to accept office.

Ten years elapsed before these meagre powers were enlarged by a new charter, and the use made of them during that time is shown by the corporation's coucher.[1] The second ordinance entered in the book, adopted on 20 September 1550, limits the number of dishes at the dinner which is to be given each year by the retiring alderman to his colleagues. In it we meet, besides the twelve assistants, a body of twelve coadjutors, elsewhere often called " second company men ", who, named in no charter, remained a part of the working constitution throughout the period covered by this paper. These coadjutors, from whom the ranks of the assistants were almost invariably replenished, shared with them the hospitality of the alderman and the right to be imprisoned, if that were necessary, in the presumably more comfortable gaol at the Guildhall, but they paid only 8*d.* a quarter each as against the assistants' 12*d.* towards the wages of the church officers and were assessed at a lower figure for their fines when disobedient to the alderman. An ordinance of February 1551 fixed the mode of their election and described their func-

[1] This book, the property of the present corporation, to whose courtesy I am indebted for permission to examine it, is usually referred to as a minute book by Cornelius Brown and other local writers, but is described indifferently as the coucher or the great register within its own pages. It is in two volumes, of which the first contains on 329 folios records of the Trinity Guild from 1539 to 1546, and of the corporation from 20 September 1550 to 27 April 1674 ; the second (on folios 3 to 264) those of the corporation from Michaelmas 1675 to 5 November 1835. Both volumes consist of the records of elections to the aldermanship (after 1626 the mayoralty) and other civic offices, and of ordinances adopted by the corporation, with occasional memoranda of matters relating to the town, copies of wills of benefactors, subsidy rolls and so forth. The earlier volume also contains the accounts of the Chamberlains from 1553 to 1592.

tions, "to be aiding, assistant, and of counsel in matters concerning the common wealth of the said town, when and as oft as need shall be or as it shall please the said alderman and assistants . . . to send for them", while another included the office among those the obstinate refusal of which was to be punished by continual imprisonment. In three of the ordinances another rank, "those in election to be coadjutors," is named before we reach the "honest householders" and "cottagers" who formed the base of the civic pyramid, but there is nothing to show how far this group was organised or defined.

The first charter is silent as to officers, but the corporation must almost at once have appointed two chamberlains, for although the formal order for their election is dated February 1551, they are mentioned in another of 1550. They held office for two years, receiving 6*s*. 8*d*. a year each for their pains, and their accounts for the period 1553–92 are entered in the coucher. In 1551 the corporation also resolved to appoint a common sergeant or beadle to wait upon the alderman and collect fines, of which he was to have a share besides his yearly stipend of 10*s*., a scavenger to be paid by the inhabitants as assessed by the alderman and assistants, two surveyors of beggars and vagabonds at 3*s*. 4*d*. each a year, and finally a common clerk at 20*s*. The chamberlains' accounts show that in these years there was only one surveyor of beggars, who was also scavenger, and received 15*s*. a year, but that the rest of the programme was carried through.

The relations between the governing body thus organised and the townsmen for whose good government it was nominally responsible would appear negligible, if attention were to be confined to the ordinances. The appointment of a scavenger and surveyor of beggars implies concern with two recognised departments of local government, but apart from ordinances penalising misuse of or disobedience to the alderman and the employment of disdainful presumptuous railing or "unseeming words" or deeds against him and his

brethren, there are only three of these ten years which affected the inhabitants at large. One fixed the quarterly payments to be made by different classes toward the wages of the church officers, a second forbade strangers to follow occupations without the consent of the alderman and of the company concerned, and the last was against householders receiving undertenants.

It may be supposed that this modesty in the use of the bye-law-making power conferred by the charter was due to the survival of two older authorities, whose competence within the town stood unimpaired, namely the county justices and the manor court under the king's bailiff. The concurrent jurisdiction of the bailiff is shown by two ordinances, in one of which his consent, with that of the alderman and the company concerned, is required to be obtained by strangers wishing to trade, while in the other it is made a condition of imprisonment for misuse of the alderman. The bailiff is struck out of the first, and the whole of the second is cancelled ; it may be significant as to the date of these deletions that the bailiff is not mentioned in an ordinance of 1556 which prescribes imprisonment for abuse of the corporation. Clearly the bailiff—the same Anthony Forster whose alleged misdoings provoked the riots of 1534–5—remained on good terms with the corporation, to whom he left land for the endowment of a " visited house " when he died in 1559.

It remains to note the importance of this and other charities in enlarging the sphere of the corporation's activity and in giving substance to its pretensions as the governing body of the town. In 1551 the alderman and assistants became trustees of a fund for the general benefit of the town established in 1532 by the will of Robert Brown.[1] In the same year Thomas Magnus's foundation of 1531 for the upkeep of a Grammar School and Song School passed to new feoffees,[2] among whom were members of the Corporation,

[1] *21st Rep. Charity Comm.*, Parl. Papers, 1829 H.C. viii, p. 340.
[2] *Ibid.*, p. 329.

though they did not, apparently, secure control as a body until 1572.[1] Probably it was these developments that necessitated the more elaborate financial machinery betokened by the compilation of a rental in 1553 and the entering into the coucher of the chamberlains' accounts from that year onwards. In 1556, under the will of William Phillipot, the corporation acquired almshouses so amply endowed that there was surplus income to be applied to general purposes, and in particular to paving.[2] With Forster's gift for the visited house the small town was well supplied with local services, by sixteenth-century standards, and the alderman and assistants must have had considerable business as trustees, however restricted their work under the charter may have been.

Elizabeth's first charter,[3] of 1559, brought a distinct increase in the authority of the corporation. Its most important provision was to give to the alderman and three assistants elected annually by their fellows, together with a man learned in the law, exclusive powers as justices of the peace within the ville. The charter of 1549 was confirmed, and the corporation were permitted to have their own prison, with a gaoler to be appointed by the alderman, and two sergeants-at-mace similarly appointed (powers which, as we have seen, had been anticipated in practice). The constables were to be appointed by the alderman, who with the assistants might hold further land to the value of £60 a year for the use of schools, almshouses and visited house, was to keep the assize of bread, wine, ale and all victuals (the fines being reserved to the crown), and could array the inhabitants and set them to watch.

The superior authority of the county bench thus eliminated, the corporation in the next twenty years greatly enlarged the scope of its operations, while internally its structure was strengthened and defined. It would be

[1] *Idem.*
[2] *21st Rep. Charity Comm.*, pp. 348–51.
[3] P.R.O., Pat. Roll, 1 Eliz., pt. vii, mm. 8–10 (C. 66/944).

wearisome to recount in detail the many ordinances of this period which concern the conduct of the corporation's affairs and the rights and duties of its members and officers, but an examination of the alderman's position may serve to elucidate their general character.

The mode of election of the alderman was laid down with some precision in an ordinance of 1562, which, though frequently amended in detail, provided the essential framework of the procedure down to and beyond 1688. The alderman and assistants were to assemble in the Guildhall at one o'clock on the afternoon of the feast of the Exaltation of the Holy Cross (14 September). Then the alderman and justices were to name two assistants, one of whom was at once to be nominated alderman for the coming year by vote of all those present, except the two candidates. This "nomination" was to be confirmed by the "full and perfect election" and swearing-in of the nominee on Michaelmas Day. A fine of five marks was imposed on any assistant who absented himself from either meeting, or departed before the completion of the day's business, unless he were engaged on the queen's affairs or prevented by his own sickness.

The first nomination recorded is that of 1565. If the proceedings on Holy Cross Day were intended to secure a unanimous election, they were a failure, for although there is only one instance in this period of a reversal at the second meeting of the choice made at the first, the two candidates always appear in the Michaelmas record and there was always a minority vote. In 1569 it was ordered that the two most ancient assistants who had served the office of alderman within seven years past but were not justices should join with the alderman and justices in choosing the two candidates for nomination, a casting vote was given to the alderman, and a penalty of £5 was imposed on any candidate who refused to "go forth", *i.e.* to leave the room, when commanded. The alderman nominated in 1570 refused the office at the election and paid a fine of £10,

an incident which no doubt inspired the ordinance of 11 September 1573 by which it was laid down that the assistant nominated must there and then give his absolute answer whether he would or would not serve. The nomination meeting, three days later, was stormy: an absent assistant was fined, two nominees refused the office and were deposed from the company, and one of the coadjutors promoted in their place declined the honour, at a cost of £5. It might have been expected that the difficulties of nominees would be increased when, in 1577, the meeting was moved from 14 September to Black Monday (or as we should say, Easter Monday). There was, however, no increase in the number of refusals, though it is noticeable that in and after 1581 the clerk regularly entered, after the record of voting, the answer of the nominated alderman, usually a promise to serve "if God will and he live", a reasonable condition when six months or more might divide nomination from election. That the post involved its holders in burdensome duties and expense may be inferred from the penalties for refusing it, three days' imprisonment, a fine of £20 and perpetual disfranchisement according to an ordinance of 1571, though the corporation seem usually to have been content to exact the fine, and this in 1578 was even made to exempt the offender from a further election within seven years, the privilege awarded in an order of 1564 to those who served. That concession itself points the same way, as does also the election of a deputy alderman, first recorded in 1562. The rule that the alderman should keep safe and deliver to his successor all writings touching the affairs of the town can hardly have added much to his responsibilities, but the customary feasts must seriously have affected his expenses. An ordinance of 1563 mentions dinners given by the alderman at Michaelmas and on St. Stephen's Day, and assemblies at the general quarter sessions. Though the Michaelmas dinner was then forbidden and the Christmas menu limited, custom was too strong, and two years later it was enacted

that the alderman on going home from his election should entertain the assistants, coadjutors and officers with three honest dishes of meat (besides boiled meat), or, on a fish day, with ling and three honest dishes of fish. No doubt it was to help him in such matters that he was given the fees of all recognizances and fines of indictments coming to any justice within the town.

The ordinances relating to the assistants are so similar in character to those affecting the alderman that only a few points need special mention. One of 1569, which gives the alderman, justices and four senior assistants the right to nominate two candidates for every vacancy among the assistants and coadjutors goes with other hints to suggest a tendency toward a further concentration of power in a select group of the small corporate body. The fine for refusal of the Assistantship was raised from £5 to £10 in 1578, but refusal to serve as justice cost only 40s. The first recorded deposition of an assistant occurs in 1567 : no reason is given. More interesting are the rules relating to procedure, such as those of 1560, of which one binds assistants and officers to keep the secrets of the corporation, and the other guarantees the right of free speech in the assembly, a right apparently seldom abused at Newark, for only once is the use of cruel, despiteful and contemptuous words recorded. There is a familiar ring about the order that assistants shall not privately pledge their votes in respect of leases or loans to be granted by the company. By 1571 a ward organisation existed, assistants being assigned for certain matters special responsibility in relation to specified areas, an arrangement which may well be much older, since the divisions used are to be found also in the Guild records of Henry VIII's time at the beginning of the book. In 1563 the alderman and assistants, the town clerk, chamberlains, constables, wardens, and searchers were ordered to attend the Month Court. The accounts show that the fines for admission to occupations were gathered at this monthly meeting, to which also, under an

order of 1571, each assistant had to present in respect of his ward a list of undertenants, of the poor and sick, and of those lacking fuel. The wish to preserve the dignity of the civic magistracy no doubt inspired the rule of 1563 that private disputes between members of the corporate body involving sums under forty shillings should be settled by a majority of the assistants, and the same end was sought in more usual ways by requiring the wearing of gowns and corporate attendance at church and at plays and interludes.

Additions to the corporation's staff in these twenty years were the recorder appointed in 1559 at a yearly fee of 40*s*., the sergeants-at-law retained of counsel, one from 1563/4 onwards and a second in addition from 1566 to 1572, the waits whose liveries make a recurrent entry in the accounts from 1558, and the constables whose appointment the charter of 1559 vested in the alderman, and who were of course unpaid. By contrast the increase in the range and variety of the matters over which the alderman and assistants exercised their authority, either as justices or in virtue of their power to make bye-laws, seems impressively large. The Municipal Corporations Commission of 1835, inquiring in Newark, found that there were then no freemen,[1] but of the ordinances of 1559–79 the largest group, concerned with the regulation of trade, shows that here as in other towns the governing body was at pains to establish and protect a monopoly of local trade for freemen. We have seen that the orders of 1549–59 contain evidence of the existence of trade companies, and it would seem therefore that some reorganisation took place in 1560, when the clerk noted that the ordinances for various occupations had been entered in their several books. The wardens are mentioned in an order restricting the use of certain callings to persons apprenticed in the town, and again among the officers who must attend the Month Court. After June 1562 only those who had taken up

[1] *Municipal Corpns. Comm. Rep.*, Parl. Papers 1835, H.C. xxv, p. 1936.

their freedom were allowed to sell by retail, to keep inns, or to use any occupation, art or mistery, and townsmen were forbidden, except during market time, to let rooms for the storage of goods bought in the market by non-freemen. The same principle led to the prohibition of the employment of any but Newark musicians at weddings. The rest of the ordinances of this group were aimed at the maintenance of honest workmanship, the prevention of fraud, and the establishment of fair conditions of marketing.

Many other matters of concern for the "common wealth" of the town engaged the attention of the corporation. They continued to wage war on undertenants and beggars, but the arrangement for a monthly return of poor, sick and those lacking fuel shows that they discriminated between the unfortunate of their own town and the strangers. Anthony Forster's gift to the "visited house" or isolation hospital in 1559 occasioned an elaborate series of rules to be observed in time of plague, of a kind familiar in town records of this period. Perhaps one should associate with these, as within the sphere of public health, an order of 1568 for avoiding noisome savours and infections, which compelled householders to clean the pavements before their premises every Tuesday and Saturday night, and forbade the casting of fish water into the streets, though with reservations which suggest that the matter was one rather of good order than of safety in the minds of its authors. To the sphere of amenities belong such orders as that against drying fish and setting stalls in the Pavementstead except at market times, and those of 1562 and 1563 for the collection of a tax or rate for paving the town, an improvement which seems to have been the object of some indifference or even hostility among the inhabitants, so that the corporation had to strengthen their authority by means of a private act of parliament in 1585. The power of setting a watch was used in 1563, and there is an order for the cucking of scolds, but otherwise the coucher

is silent in regard to public order, doubtless because such questions were dealt with at the sessions of the Peace. An order for the purchase by the assistants, coadjutors and others of leather buckets, ladders and drags illustrates the class consciousness of the corporation, the length of the ladders being graded according to the social standing of the buyers, and a fatherly care for the pockets of "young beginners and occupiers" is expressed in another which limits the feasts on the occasion of the churching of women to bread or cake, ale, beer and wine, unless it be for the godfathers and godmothers of the child, and the midwife. The interests of orphans were safeguarded by rules of 1564 which secured to the corporation the oversight of the payment of their legacies, though not without the exaction of fees, which because many of the inhabitants found themselves grieved thereby and required some mitigation, were reduced in 1571.

Surveying the work of the corporation at this time, and noting how variously (and as we may think, how irritatingly) they interfered in the daily life of the townsmen, of whom in form they were completely independent, one looks for any hint of the attitude of the burgesses toward their rulers. There are two small entries which tempt one to believe that the influence of public opinion was not quite negligible, even in Elizabethan Newark. One is the reduction of the fees in respect of orphans' estates, just mentioned; the other is a note of the rates for pavage in 1563, fixed with the consent of "a number of the commoners". That the coucher is singularly free of evidence of those bitter quarrels which distracted many other towns at this period is probably a consequence of those generous endowments which enabled the corporation, apparently, to make municipal taxation a rarity, and it is noteworthy that the two entries which show their need to reckon with the opinions of their subjects both relate to the collection of money. Taxation and representations were inseparable.

Elizabeth's second charter,[1] of 1579, not only made substantial additions to the powers and privileges of the alderman and assistants ; it so augmented them that little of real value remained to be won, except the right, then refused but secured nearly a century later, to return burgesses to Parliament. The principal concessions of 1579 were the right to elect a coroner, the appointment of the alderman as clerk of the market (a lease of which the corporation had held from the farmer of the manor since 1571), the establishment of a weekly court of record for the trial by the alderman and three assistants of pleas not exceeding 100 marks in value, the grant of two yearly fairs, and the extension of the authority of the corporation over the whole parish of Newark. The number of elected justices was increased from three to four, and the charter authorised the appointment of a town clerk, which the town had had since 1551.

Gratifying as these enlarged powers might be to the pride of the corporate body, the exercise of them involved a serious increase in the claims made upon the time and energy of its individual members. The interest of the ordinances in the years immediately following lies chiefly in the evidence they afford as to the machinery needed for the discharge of new responsibilities, and as to the stresses and strains imposed upon the personnel of the corporation.

The charter named all the first officers, and while a coroner was annually elected from among the assistants, it was not until 1588 that a vacancy in the recordership gave the corporation an opportunity to exercise their patronage again. Five more elections occurred before 1604, the date of the next charter, and the entry respecting that of 1599 shows that in the choice of a " learned " officer of this kind account had to be taken of outside influences. There were three candidates. One recommended only by an esquire was first eliminated, and of the others supported

[1] P.R.O., Patent Roll, 21 Eliz., pt. vi, mm. 8–11 (C. 66/1180).

one by the earl of Rutland and the other by his countess,[1] a privy councillor, a baron and an earl, the latter was preferred. There is evidence that similar influence secured the appointment of a non-resident town clerk in 1592. The charters freed the townsmen from formal subordination to the county authorities, but they could not afford protection from the private pressure of county magnates and privy councillors.

The establishment of a weekly court of record was probably the most serious of the new burdens laid upon the alderman and assistants. A detailed scale of fees drawn up in 1579 and revised in 1592 and 1593 shows that the court brought the clerk and the sergeants cash returns for their services; attorneys presumably welcomed an increase in local business; and even suitors may have found it convenient to dispose of their suits quickly and without leaving the town. For the assistants there can have been scanty compensation for their weekly attendance, and a rota had to be organised in 1580 to ensure the presence of the required minimum.

The fairs are first mentioned in an order of 1594 requiring the assistants and coadjutors in their gowns and the constables in their cloaks to attend upon the alderman when "walking the Fairs". There is nothing to show whether at first the corporation kept the management and profits in their own hands, but at least as early as 1597 the fairs were leased for a term of twenty-one years. In 1601 an ordinance confirming the lease, which had been challenged, was entered in the coucher, only to be cancelled in 1603 on the ground that the majority of the assistants had not consented, "as by the Record of the Month Court doth plainly appear"—a tantalising reference, as the records in question are not known now to exist. As a compromise a fresh lease was granted at an enhanced rent for the

[1] "the Ladye Issabell", whose marriage to Roger earl of Rutland took place according to *G.E.C.* just before 5 March 1599. The date of this entry is 11 January 1599.

remainder of the original term, the alderman retaining as his perquisite the old rent of £4 and two capons, and releasing to the town the increment of £2 a year.

The coucher is more informative at this than at earlier periods as to the allowances made to the alderman for his services. In 1583 it was ordered that he should have £5 a year together with the customary perquisites, one of which, the sessions fines, was commuted for a fixed payment of £6 13*s.* 4*d.* a year in 1598. A further allowance of £3 6*s.* 8*d.* had been granted in 1588. Another perquisite was an annual fee of 13*s.* 4*d.* for collecting the Magnus rents, and this was continued in 1603, though the duty was then transferred without reward to the chamberlains. Adding £4 for the fairs, the total annual recompense of the alderman at this time is seen to have been at least £19 13*s.* 4*d.* The removal in 1599 of his obligation to provide a Christmas dinner probably did more to make ends meet than the reservation for his house and church pew of the flowers and herbs raised by the gaoler in the Guildhall garden, but two £20 fines and two depositions for refusal of the office prove that it was no sinecure, and that conclusion is supported by the direction that the constables shall not trouble the alderman with trivial business, and to some extent also by the resignations of six assistants and two coadjutors, for the prospect of being in due course elected to the chief office must have added to the misgivings of a busy man.

For the rest the ordinances of 1579–1604 follow much the same lines as those of 1559–79. The supervision of trade with a view to the maintenance of the freemen's monopoly and of consumers' interests, the exclusion of poor strangers, the prevention of fire and plague, the care of the town armour and the organisation of the musters, the filling of vacancies in the hospital, and the appointment of masters for the Grammar School and Song School, these, in addition to those of which a fuller account has already been given, are the topics mentioned.

The charters of 1549, 1559 and 1579, each of which effected a real advance in the building-up of the municipal constitution, have afforded a convenient framework for this paper so far. The next two charters, those of 1604 and 1626, though they maintained the progressive character of the series in respect of length, added form rather than substance to the powers of the corporation. It seems better, therefore, after noting some points of interest in them, to consider the working of the corporation from 1604 to 1673 in the more significant divisions before 1642, during the Civil War and Commonwealth, and after the Restoration.

Both the charter of 1604 [1] and that of 1626 [2] confirmed, with much amplitude of legal phrasing, the privileges conceded by the three previous charters. That of 1604 sanctioned the appointment by the alderman of a deputy, to act in case of his incapacity or absence from the town, and authorised the swearing-in of custodians or guardians of any art and mistery. Both privileges had long been in use, for a deputy alderman appears regularly from 1562 in the list of the officials elected at Michaelmas, and wardens (presumably sworn) are found even earlier. Here, therefore, as so often in borough charters, what might seem to be the grant of a new privilege is in fact merely the confirmation of an established custom, and the same may be true of another clause in this charter, which confers taxing power upon the corporation, but the ordinances supply no evidence of its use either before or after this grant, save in respect of contributions toward the wages of the parish officers, pavage, and the scavenger's fees for street cleaning. The elevation of the office of scavenger to the honour of specific authorisation in the charter of 1626 is certainly an instance of the same confirmatory practice, but the fact is made manifest by the provision that he shall have such wages as had been customary.

The main change brought about by the charter of

[1] P.R.O., Pat. Roll, 2 Jas. I, pt. ix, mm. 14–17 (C. 66/1639).
[2] P.R.O., Pat. Roll, 2 Chas. I, pt. xv, mm. 1–9 (C. 66/2387).

1626—and it is one which adds difficulty and confusion to the description of the town's constitution—was the transformation of the alderman and assistants into a mayor and aldermen. Doubtless to sustain such an increase of dignity the charter raised from two to four the number of sergeants at mace, a concession of which the corporation seem never to have taken advantage. The only other points calling for notice are the granting to the mayor of the return of all writs and of the office of escheator in the town, and the confirmation to the corporation, for the first time, of the privileges of the Guild of the ville, dissolved eighty years before.

Turning to the practice of the corporation, we may at the outset remark that the period after 1604 is of far less interest than those we have already surveyed. Not only did the corporation fail to advance their activity, except in a few rather frivolous instances, into new fields ; their cultivation of the old ones was distinctly conservative. Ordinances are largely repetitive, and as the years go by they grow fewer in number. This is of course not surprising : the better an institution performs its initial tasks, the stronger its tendency toward routine, and no one would think of the seventeenth century as a formative period in English town government.

There are nevertheless some points of novelty in the many records of elections, and the orders governing them. The difficulty, already encountered, of the mayor [1] elect withdrawing his promise to serve, called for solution again in 1606, when the offender was deposed from his aldermanship, and a rule adopted which, leaving the fine for refusal at nomination unchanged at £20, imposed a penalty of £40 for later withdrawal. In 1636 these fines were raised to £40 and 100 marks respectively. From orders of 1606 we learn that a " Box called the Lottery " was em-

[1] Though the alderman only became a mayor in 1626, the latter term is henceforth used for the chief officer, to avoid confusion with the aldermen, previously assistants.

ployed in the election of mayors, aldermen and coadjutors, and that the two candidates put forward by the mayor and four senior aldermen for nomination to the mayoralty were required, under a penalty of £20, to sever themselves and go forth from the company before the voting. The clerk's particularity in recording certain elections of 1605 tells us that a second ballot was used when more than two candidates were in election, a mere plurality on the first count not sufficing to secure the office. In 1641 the nomination day was moved from the Monday to the Thursday after Easter, to suit the convenience of the many aldermen who had business at fairs, marts and markets on the earlier day.

Resignations of aldermen remained fairly common, the usual excuses being weakness of body and removal from Newark. If the court thought the reason just they would reduce or waive the fine, £5 being the largest sum paid. Refusal of the office on election cost £10, but this also was sometimes reduced, notably to £3 in the case of a commoner elected in preference to one of the coadjutors in 1637. There are three cases of expulsion, one for refusal of the mayoralty and two for non-residence. One of the latter is somewhat peculiar, as the offender, by obstinately refusing to pay his debts, remained in prison at Nottingham.

The problem of how to secure a proper quorum for the various courts and meetings was recurrent, and there are several examples of votes being given by proxy. An order of 1636 imposing a fine of 3*s*. 4*d*. for absence without an excuse approved by the mayor and senior justices explained that it was not to be levied if the required quorum were reached, and that aldermen should not be punished for failure to comply with a summons to the court of record when it was not their turn to serve. It also drew a rather interesting distinction between the public business of the corporation, namely the court of record, the sessions and the month court, and the private business, such as elections and accounts. The last were presented at a meeting in the schoolhouse at the beginning of January.

Two important officials gave trouble in these years, the recorder and the town clerk. In dealing with the former—whose offence was failure, through non-residence, to appear at the courts—the corporation showed such exemplary patience that we may wonder whether, like one of his predecessors, he had friends among the noble and powerful. Twice after removal and the appointment of a successor he was reinstated on promising amendment, but a third dismissal was final, and his thrice elected rival kept the place. The town clerk, accused of seditious speeches in 1630, absconded, was proclaimed at three consecutive courts of record, and was then deposed.[1] Perhaps because he was the clerk named in the charter of 1626, the corporation secured a royal warrant for their action.

By far the largest group of ordinances of the period 1604–42, apart from those which concern the structure of the corporation, represents efforts on well-established lines to enforce the freemen's monopoly of trade and to keep the town clear of poor strangers. In 1611, 1614, and 1639 inhabitants taking strangers not freemen to live with them were ordered to give security against their becoming chargeable to the town, and in 1614 and 1639 strangers occupying houses in Newark were required to give security themselves. In 1605 such immigrants had to pay £5 to dwell in the town, and a further fee to the appropriate company for permission to follow a calling ; in versions of the same order approved in 1614 and 1639 it might seem that the £5 was made to cover both residence and trading. Another ordinance of 1611 against inmates lays down the rule of one cottage one family, the injunction against taking non-freemen's goods into storage except during market hours was repeated in the same year, and in 1614 the mayor and alderman arranged to search their districts for poor strangers by day and night. Other enactments regulated the sale of victuals, forbade various purprestures, again ordered the inhabitants to clean the pavements before their houses

[1] Coucher, i, fos. 201*b*–202*a* ; Brown, *Hist.*, i, 52–3.

and to provide fire-fighting apparatus according to their status, and decreed the closing of inns and shops during service time. In 1630 the corporation addressed themselves afresh to the subject of wedding feasts, the number of guests at which they had restricted in 1597, and their order is noteworthy both as an example of paternal government and for its revelation of a forgotten social custom. It appears that bridegrooms were in the habit of arranging with innkeepers for what may be described as public subscription wedding breakfasts, the profits (if any) being shared between the parties. The ordinance asserted that such gatherings brought young people into bad company, and substituted collections at the church doors on Sundays for the benefit of those about to marry.

The corporation carried on their established duties in the management of the charities, with regard to which a dispute between them and the vicar was settled by an award of the archbishop of York in 1634. There is evidence of continued care for orphans' estates, and the rules for the court of record were amended in 1611. A promise, signed by four attorneys practising at the court in 1619, not to procure writs delaying causes or removing them from its jurisdiction, is interesting, as are also, for their details of legal etiquette, the records of the expulsion from the court of two attorneys accused of acting against the mayor in 1626. An order of 1620 abolishing the summons before the arrest of a freeman for debt, on the ground that it gave a warning which enabled the debtor to escape, throws a somewhat unpleasant light upon another of 1630, which says that no mayor or alderman, even though he has left the company, shall be arrested without previous summons. The only entries which break new ground are one of 1615 recording the election, with the consent of Lord Burghley (who held a lease of the manor from the crown), of an assistant reader of divine service, to the augmentation of whose salary the corporation granted £5 yearly from the church dues ; one of the same year showing

that the corporation had taken a lease of the town tolls from Lord Burghley ; a curious note of 1620 recording how by subscribing one shilling apiece to a lottery the mayor, alderman, town clerk and " Mr. Mason the Preacher " had won a gilt cup worth 58s. and given it to the town ; and an agreement of 1625, full of picturesque matter for the amateur of the turf, by which the corporation undertook to furnish a cup to be run for yearly at Coddington races.

Local historians have naturally given ample attention to the three sieges which Newark sustained during the Civil War, and any account of them would be quite irrelevant in this paper, but the loyalty of the town to the king's cause made it one of an interesting minority of the municipalities, and the records in the coucher, though almost completely silent on military matters, show points deserving the notice of a student of civic government. Rivalry with Nottingham, where the parliamentarians with Colonel Hutchinson carried the day, may help to explain Newark's choice of party, but it would have been gross ingratitude had the corporation failed to support the source of all their privileges, of which it is hardly to be doubted that the rapid increase, covering in 1642 less than a century, would have been impossible but for the exchange of king for bishop as owner of the manor. As it turned out, the choice of gratitude was also that of self-interest, for although Charles I did not live to requite the services rendered by the corporation, the pledge which he gave them when he sent for a copy of their charter in 1644 was somewhat tardily honoured by his son twenty-nine years later.

The immediate consequences of loyalty were less pleasant. The mayor nominated on 25 April 1644 varied the formula of the promise to accept office by adding " because he must " to the usual " he will ". His misgivings may have been due to ill-health, for he died before his term was out, but if caused by the political outlook they were amply justified by the experience of the next two years, leading

up to the surrender of the town to the parliamentary forces in May 1646, an event which leaves its record in a note of corporation plate sold on the occasion.

Newark escaped the attentions of the House of Commons Committee for Corporations,[1] and retained its chartered rights intact, but the years from 1646 to the Restoration, almost barren in civic legislation, were a period of continuous struggle within the corporate body, which in spite of repeated elections and severe punishment of those who refused office, rarely reached its full complement of twenty-five during the Interregnum. In November 1646 an alderman and five coadjutors were elected; four more elections in the next three years recruited four aldermen and eight coadjutors. In March 1650 the nomination of the mayor was postponed to June, but there is no record of the meeting, and on 9 September there are orders for settling the government of the town which reveal increasing dissension. They disallow the pretended resignations of the mayor and three aldermen but accept those of five others, electing seven to fill these places and two vacant by withdrawals from the town. The postponed nomination took place on the same day, and on the eve of the Michaelmas election another alderman and five coadjutors were chosen. On 1 November an alderman who asked to be dismissed was fined £20 because his reasons were deemed insufficient, and in December one newly elected refused either to serve or to pay a fine, and distress for £10 was ordered. The offender was later discharged, having given satisfaction partly in money and partly in quartering soldiers sent to him by the mayor and aldermen. An alderman elected in March 1651 declined to serve and referred himself to the company as to the fine, and a serious disturbance followed in September, when the mayor nominated in April was allowed to withdraw his acceptance, and he and four other aldermen were ordered to leave the room as incapable of

[1] See "The Commonwealth Charters" by B. L. K. Henderson: *R. Hist. S. Trans.*, 3rd Ser., vi, 129–62.

nominating the mayor. Only six aldermen were present at the Michaelmas election of that year.

For some time the parliamentary minority seem to have ruled unchallenged, and in November 1656 the clerk noted the absence of four aldermen "who have forborne to act in their places", but the recruitment of the corporation met renewed opposition in 1658. From the reply of one recalcitrant alderman that he would not have anything to do with those gentlemen who had come on to act against the act of parliament we might infer that the company was again assuming a royalist tone, but it was only in October of 1660 that two of the aldermen, who had refused to act out of loyalty to the crown and the desire to escape the fine of £100 imposed by parliamentary ordinance on those who, having served the king, should occupy any office, were invited to resume their places.

There are few orders of this period for the general affairs of the town. An outbreak of plague in March 1646 produced a series of regulations of the ordinary type; scarcity of food led to the prohibition of private sales of corn and grain in December 1647 and of the use of barley for malting in April 1649; as a means of preventing fire shops were ordered to be shut at 7 p.m. during the winter months in October 1655; and the attendance of the coadjutors in their gowns at the sessions, the fairs and the church services was again enjoined under enhanced penalties in April 1659. A note of the mayor's allowances about 1644 gives a total of £21 13*s.* 4*d.* a year, of which £5 came from Magnus's rents, £10 from Brown's and other town lands for his two sessions, £6 out of the rent of the two fairs, and 13*s.* 4*d.* for viewing the (Magnus) estate at Everton. The figures show how large a part the Magnus and Brown charities played in the finances of the corporation, and serve to confirm the calculation above.

The mayor and ten aldermen who met on Michaelmas day 1660 for the election of a new mayor included only one who had been alderman at the surrender of the town

in 1646, and but four of those who had then been coadjutors. Seven of the eleven had accepted their offices and nine had held the mayoralty since the execution of the king. They were men who had been willing at least to work with the Commonwealth authorities, and though a month later they recalled to the company the two surviving aldermen of 1646 who had refused all compromise with the intruding powers, the future of the corporation under the restored monarchy was not with them. Ironically, it fell to these men, in July 1661, to despatch a petition for a new charter, basing the town's claim to further privileges upon the sufferings and losses brought on it by the loyalty of those whom they had dispossessed.

Their own removal was at hand. Five commissioners under the Act of 1661 for the regulation of corporations met in Newark on 30 September 1662. They dismissed from office five aldermen who had taken the oaths and made the subscription required by the Act, and four who had refused to do so, and appointed ten aldermen (there was one vacant place) and ten coadjutors. The town clerk and the holder of the combined offices of scavenger and gaoler, both of whom had complied with the Act, were also replaced, the former by a nominee who promptly resigned, leaving a vacancy to be filled by the new corporation. Thus a clean sweep was made. The three aldermen confirmed in office had been elected only in 1661. Of the other ten three had been coadjutors since 1658, one had resigned and one had been fined for refusing the coadjutorship in that year, and five appear to have held no office in the corporation before.

The petition for a new charter [1] asked for large concessions, and was handled with deliberation. It was referred to the lord treasurer in 1664 and to the attorney-general and the treasury commissioners in 1669. The charter was sealed on 21 March 1673, nearly twelve years after the presentation of the petition, but on delivery it

[1] C. Brown, *Hist.*, ii, 142–3.

was found to contain several mistakes and so was resigned for their correction and the making of such alterations as might be to the advantage of the borough, according to the preamble to a corporation ordinance of 27 June 1677. This process also took time, and it was not until 4 April 1677 that Charles I's promise of 1644 to make additions to the charter " of grace favour and advantage " was finally honoured by the sealing of what, save for a brief period from 1685 to 1688, became henceforth the governing charter.

The advantages intended to be granted by the charters [1] of 1673 and 1677 seem to have been in substance identical. Those of practical value were a slight extension of the area under the jurisdiction of the corporation, the right to elect two burgesses to Parliament, the exemption of freemen from tolls throughout the realm, and the advowson of Winthorpe. Of more ornament than use were the title " free borough " and the right to appoint a custos rotulorum, though the latter made Newark unique among English boroughs, unless the powers enjoyed by the lord warden of the Cinque Ports and the mayor of Hertford are to be held to make the towns under their rule partners in this distinction.[2]

Though these grants omitted the manorial rights and the reversion of a lease of the castle demesnes, which were among the benefits sought by the petitioners of 1661,[3] the corporation realised a long-cherished ambition in the acquisition of parliamentary powers, which Elizabeth had denied them in 1679 on the ground that there were already over-many members of Parliament.[4] They achieved too a desirable historical distinction, as rulers of the last parliamentary borough created by charter. This exercise of the

[1] P.R.O., Pat. Roll, 25 Chas. II, pt. xi, no. 2 ; 29 Chas. II, pt. ii no. 10 (C. 66/3153,3190).

[2] See S. and B. Webb, *Eng. Local Govt., Manor and Borough*, p. 374, and *Municipal Corpns. Comm. Rep.*, Parl. Papers 1835, H.C. xxvi, p. 2886.

[3] C. Brown, *Hist.*, ii, 142.

[4] Sir T. Wilson to the earl of Rutland, 17 June 1579 : *Hist. MSS. Comm. 12th Rep.*, App. iv, p. 117.

royal prerogative was the occasion of an acrimonious debate in the House of Commons, when on 21 March 1677 the House decided by 125 votes to 73 in favour of Newark's right to elect members, but rejected by 103 to 102 the representatives chosen.[1] In the course of the debate the restriction of the franchise to the mayor and aldermen was severely criticised, and it is therefore interesting to note that in the revised charter, sealed a fortnight later, this restriction was removed, the franchise being extended to all inhabitants at lot and scot, though this concession failed to prevent further disputes.[2]

Newark thus emerged, after the acquisition of seven royal charters in one hundred and twenty years, a fully developed parliamentary borough, but one great crisis had yet to be passed before its governing body could settle down to the enjoyment of their privileges and the charity revenues.[3] This was, of course, the attack upon the corporations which followed the forfeiture of the charter of London in June 1683. Newark's charters of 1673 and 1677 show no trace of the royal policy of control outlined in a warrant of 1661, the significance of which has been fully explained by Mr. J. H. Sacret,[4] except in the limitation of the parliamentary franchise. Following the record of the election of an alderman in May 1683 there is in the second volume of the coucher a copy of Charles I's letter to the town, dated 26 March 1644, acknowledging their

[1] A. Gray, *Debates*, iv, 297–304; *Commons' Journals*, ix, 403*b*; *Cal. S.P. Dom., 1677–78*, pp. 41–3.

[2] Though one may doubt whether the restriction of the franchise was one of the "errors" necessitating the resignation of the charter of 1673, there is evidence of carelessness in its enrolment. Thus the date of the second fair is given as "die lune Evangeliste", an entry which only becomes intelligible when compared with the petition of 1661, where the date mentioned is the feast of St. Luke the Evangelist. The fairs granted in the charter of 1677 were for dates different from those named in the petition.

[3] See *Municipal Corpns. Comm. Rep.*, Parl. Papers 1835, H.C. xxv, p. 1948.

[4] "The Restoration Government and Municipal Corporations", *Eng. Hist. Rev.*, xlv, 232–59.

services and promising some token of his gratitude. Newark was among the Abhorrers of 1681,[1] but loyalty proven in the past brought the town no exemption from the government's plan. After the entry relating to the Michaelmas election of 1684 is this memorandum: "Mr. William Martin now Mayor did continue in that office the space of two yeares by reason the chartre was then surrendred (as at this time were most chartres in the Kingdome) and was not finished at Michaelmas following at which time Mr. Rastell who succeeded him should have been sworne into the said office but could not for the reason beforementioned." The new charter,[2] granted in February 1685, reserved to the crown the right to remove all members of the corporation at will. On 1 March 1688, in accordance with a royal mandate, the mayor and five aldermen were dismissed, and others, till then not members of the corporation, took their places. Next month, when the time came to nominate a new mayor, the choice fell on one of the old aldermen who had not been removed. There is no other hint in the coucher of the corporation's feelings, but the list of those present at the nomination in 1689 includes all but one of the displaced aldermen and none of the intruders. Doubtless the corporation had acted on James II's proclamations [3] of 17 October 1688, and had reverted to the charter of 1677.

Reporting on Newark in 1835 the Municipal Corporations Commission remarked that the corporation had power to make bye-laws but that "it does not however appear that they have interfered with the ordinary concerns of the town by any enactments of this nature." [4] The statement might surprise a reader of the earlier portions of the

[1] C. Brown, *Hist.*, ii, 148.

[2] Apparently not enrolled. The original is among the archives of the corporation of Newark-on-Trent. *Cf.* C. Brown, *Annals*, pp. 196–7, and *Cal. S.P. Dom., 1684–5*, p. 268.

[3] *Tudor and Stuart Proclamations*, ed. R. Steele, i, 470: nos. 3881–3885. See also S. and B. Webb, *Eng. Local Govt., Manor and Borough*, p. 269, n. 2.

[4] *Loc. cit.*, p. 1936.

coucher, but it is nearly true of the years from 1626 onwards, when the energy which before had found ever new outlets seems to have been exhausted by the routine business of the corporate body. In the period 1660–88 the records are less carefully kept than before: there are no entries between September 1664 and June 1669, and there are smaller gaps and several errors elsewhere. For those twenty-eight years there are only eight ordinances. One of 1661 dealt with the procedure when the mayor nominated in Easter week died before election and when the mayor died in office; another, of 1670, limited the cost of the cloth for the liveries of the sergeants and the waits; and a third forbade, in the interests of the paving, the use of shod wheels on water tumbrills. Four others, in the years 1677–81, raised the fines for long-established offences, until refusal of office cost £80 for the mayoralty, £40 for an aldermanship and £20 for a coadjutorship. Only one of the eight looked forward, and that, passed in 1674, said that since they were to elect only burgesses to Parliament, they would not admit any one a burgess unless he had served seven years apprenticeship in the town, or would pay £10 to the use of the corporation.

A conservative historian, writing on the eve of the Reform Bill, said: "England in very ancient times was productive of cunning framers of constitutions. Very few towns in the Kingdom are governed by the same laws; and while many of them have whimsical, many more have exceedingly beautiful schemes of government." Whether he would have included Newark in either category no one can say, but if I might offer an excuse for so tedious a description of its constitutional history, I would plead that it reveals a minute fragment of something which is both ancient and important, the experience of the British peoples in the practice of government.

ROMAN CATHOLIC RELIEF AND THE LEICESTER ELECTION OF 1826

By R. W. Greaves, M.A., D.Phil., F.R.Hist.S.

Read 9 *March* 1939

I

"The election cry", wrote the first Lord Colchester to his friend Lord Amherst, after the general election of 1826, "has been upon the Corn Laws, the Abolition of Slavery, and the Roman Catholic claims."[1] Not dissimilarly, the *Annual Register* reported that the subjects most canvassed in the election were the corn laws and Roman catholic emancipation.[2] Croker found attention concentrated on what he called "the three C's", corn, currency and catholics.[3] On the other hand, Peel, observing more precisely, not merely recognised the widespread interest in the catholic question, but also was equally impressed by the importance in the various contests of personal and local rivalries.[4] For parliamentary elections when contested were still, as in the eighteenth century, determined very largely by local loyalties, although national issues begin to play a larger part.

Roman catholic relief was an issue that complicated English party politics from the union with Ireland till the relief Act of 1829.[5] It was revived as a more immediate

[1] C. Abbott, 1st Lord Colchester, *Diary and Correspondence*, iii (1861), 439.

[2] *Annual Register for the Year 1826* (1827), 169.

[3] *The Correspondence and Diaries of J. W. Croker*, ed. L. J. Jennings (1885), i, 321.

[4] C. S. Parker, *Sir Robert Peel* (1891), 414.

[5] See M. Roberts, *The Whig Party, 1807–1812* (1939), chapter i; A. Aspinall, *The Formation of Canning's Ministry, February to August 1827* (Camden Series, 1937), lii.

issue in politics by the activities of O'Connell's association, and by Brougham's re-adoption of the policy, after two years' abstention by the radicals, as a cause which his group could promote in the parliament.[1] Partly at his instigation, fortified by encouragement from prominent Irishmen,[2] Sir Francis Burdett attempted in the spring of 1825 to obtain a catholic relief Act. His bill passed the lower house, but it was defeated in the upper, largely in consequence of the undue exercise of royal influence there. For the duke of York, in presenting a petition against the catholic claims which was addressed to the lords by the dean and chapter of Windsor, made a forthright attack on the policy of emancipation.[3] He placed himself at the head of protestant feeling. "Rest assured", wrote Huskisson to Canning, ". . . the D. of Y.'s speech, and the addresses which he receives, and the answers which he returns are not harmless."[4] In consequence of these events, and in view of Irish agitations, both Wellington and Canning foresaw a stirring of no-popery passions.[5]

By the majority of Englishmen the campaign for Roman catholic relief was suspected of being only a cloak for more insidious designs, to subject them to "popery and foreign arbitrary power".[6] Some, even supporters of relieving legislation, regretted, like the whig leaders in the period covered by Professor Roberts's book, that control of the emancipation movement had in Ireland passed out of the hands of the Irish catholic aristocrats. In July 1826, Huskisson wrote from Ireland, that a "most dangerous power" existed in that country—that "the influence of the church of Rome in matters wholly of a temporal nature

[1] Spencer Walpole, *A History of England from the Conclusion of the Great War in 1815*, ii (ed. 1890), 286, 288, 308.

[2] M. W. Patterson, *Sir Francis Burdett and his Times* (1931), ii, 548.

[3] Walpole, *op. cit.*, 312–13.

[4] B.M. Add. MSS. (Huskisson Papers), 38747, fo. 78, Huskisson to Canning, 4 September 1825.

[5] cf. A. Aspinall, *Lord Brougham and the Whig Party* (1927), 134.

[6] Croker, *ibid.*, 282.

is superior to that of the Landlord over his Tenantry—and that the lower Class of Freeholders who have been heretofore considered as in point of fact adding power to the Aristocracy are now to be turned according to the pleasures of the Priesthood".[1] Arguments both political and ecclesiastical were put forward in innumerable pamphlets. In spite of the favourable opinion at which Wilberforce at length arrived, evangelical influence on the whole stimulated the hatred of Rome, and was thus an obstacle to improvements in the position of Roman catholics, in either England or Ireland.[2] In September 1825 it was maintained by Huskisson, in the course of arguing against an immediate dissolution of parliament, that "at present" such relief "would have to encounter the injudiciously provoked, but active hostility of the Bible societies, acting upon all the Methodists and nearly all the dissenters".[3] Various kinds of argument were indeed put forward, varying immensely in coolness and passion. Some argued, like Lord Colchester, that granting to papists a status of political equality with churchmen would endanger the constitution, since this was built on the two pillars of the Reformation and the Revolution.[4] Others thought with Van Mildert, at this time bishop of Llandaff, that danger lay in the divided allegiance of Roman catholics, subjected as these were to the discipline of a foreign ecclesiastical prince, so that the "real and only ground of their exclusion, is that they are (what they do not choose to call themselves) papists".[5]

High churchmen of a more aggressive type, animated by the inherited hatred of dissenters,[6] found their sentiments expressed, in this as in other matters, by Herbert

[1] B.M. Add. MSS., 38748, fo. 68.

[2] R. Coupland, *Wilberforce* (1923), 367–9.

[3] B.M. Add. MSS., 38747, fo. 80, Huskisson to Canning, 4 September 1825.

[4] C. Abbott, Lord Colchester, *Speeches on Catholic Emancipation* (1828), 2.

[5] Van Mildert, *Speech in the House of Lords against Catholic Emancipation* (7 May 1826) 3, 4.

[6] cf. E. A. Knox, *The Tractarian Movement* (1933), 112.

Marsh, bishop of Peterborough. His opposition sprang not from fear of popery, but from fear of dissent. His argument was that catholic relief must be opposed, because it would lead of necessity to concessions to protestant dissenters ; [1] and these he no doubt feared the more, when he contrasted their energy with the aristocratic leisureliness of the old Roman catholic families,[2] these being, moreover, unlike the dissenters, of his own social class.

Not everyone, however, gave way to panic-stricken fears for the future of the church of England. At first, for a short time, the young John Henry Newman sat on the fence. He deplored the emancipation policy, not out of any superstitious fear or hatred of Rome, but because he saw it as part of a secularising policy which implied at least a hostile indifference to the claims of religion and the Church. He even expressed the view that, though the measure was not good, opposition was inexpedient.[3] This temporising was short-lived, and did not prevent him from taking a leading part in the defeat of Peel in the Oxford university election of 1829.[4] Finally, there was even a small minority that advocated a policy of concessions to Roman catholics. Among the laity was the high churchman Croker ; [5] and among the clergy, the archdeacon of the East Riding, who defended catholic emancipation as both just and wise.[6]

The Leicester corporation, a traditionally tory body, with a strong devotion to the Establishment, if it thought at all, thought most like bishop Marsh. Its resolution was to oppose to the utmost any policy of concession to Roman

[1] J. Bennett, *History of the Dissenters during the Thirty Years 1808–38* (1839), 61.

[2] cf. D. Mathew, *Catholicism in England, 1535–1935* (1936), 165, 187.

[3] *The Letters and Correspondence of John Henry Newman*, ed. Anne Mozley, i (1891), 199.

[4] G. Faber, *Oxford Apostles* (1933), 239–41.

[5] *Croker*, i, 278–80 ; ii, 1–14.

[6] F. W. Wrangham, *A Letter addressed to the Clergy of the Archdeaconry of the East Riding on the Roman Catholic claims* (Chester, 1829). It is interesting to observe that Wrangham received considerable preferment in the period 1825–9, becoming Archdeacon of the East Riding in Oct. 1828. *Index Ecclesiasticus*, ed. Foster (Oxford, 1890).

catholics. The result was that the catholic question was exceptionally prominent in the Leicester election of 1826. Yet this predominance of the catholic question at Leicester was due to its being exploited for the purpose of local party warfare.

In this dominant influence of local reasons, the Leicester contest was not unusual. Thus, at Chester in 1826, though there were "large loaf" and "no popery" cries, the real issue was one of local politics, namely, whether the influence of Eaton house, the Grosvenor family, was to be allowed to make the city into a family constituency, a virtual pocket borough.[1] Similarly at Coventry, though the larger issues were discussed, it was disputes about local charities,[2] and a quarrel between local masters and workmen,[3] that gave bitterness to the contest. There was further the general issue of corporation power in the town. The writer of a hostile pamphlet explained, in a spirit that is not unlike that of Thomas Paine's attacks on the monarchy, that corporations preferred tories to whigs for the same reasons that kings preferred tory ministers, and added the interesting comment, that "there are, and indeed have always been men who sacrifice principle to interest: whatever names such persons may bear, they are tories".[4]

A pure devotion to the Establishment does not therefore account wholly for the Leicester corporation's vigour in the contest of 1826. What was at stake in Leicester, even more plainly than at Coventry, was the power of the old corporation. This was now menaced by a growing radical element. The innovating spirit of Benthamite intellectuals, detested as it was by tories and old-fashioned whigs alike,

[1] *The Chester Election of 1826 . . . complete poll book . . . also a collection of addresses, papers, squibs, etc., by the Editor of the Chronicle* (Chester, 1826).

[2] *Historical Sketches of the Coventry Election in June 1826* (Coventry, 1826), 9.

[3] First Report of the Municipal Corporation Commissioners (1835), Appendix, 1834

[4] *Historical Sketches*, 7–8.

was a real danger to corporation ascendancy. Moreover, this innovating spirit had a good field to work on in the intelligent artisan class. This was numerous in a district full of woolcombers and stockingers.

Further, these artisans, led by rich whigs and liberals, found centres of organisation in the local chapels. For the churches proved hardly hospitable to the lower orders.[1] There was in Leicester, in fact, a remarkable coincidence of political and religious division. In addition, about the time that the dispute on catholic claims reached its fiercest at Leicester, a mechanics' institute was started, which soon became a centre of infidelity and liberalism.[2] Thus the situation in Leicester shows particularly clearly that the same dangers which in the second quarter of the nineteenth century threatened the Church menaced also the old corporations. For this reason we may see on a small scale in the Leicester election of 1826 one phase of the reaction against "liberalism", "radicalism", "secularism", "infidelity", which was to some extent in another way exemplified in the earliest Tractarian campaigns at Oxford. The peculiar character of Oxford as a university peopled largely by celibate clerical fellows no doubt gave to the Oxford revolt against "liberalism" its own peculiar characteristics; but it seems reasonable to suggest that the struggles in Leicester and other corporate towns were, to some extent at least, cruder versions of the same reaction.[3]

But the presence in Leicester of numerous and organised dissenters would not alone have made the catholic question so acutely divisive a matter between church tories and chapel liberals. For in spite of the fact that to discerning persons it was early plain that Roman catholics and pro-

[1] *The Black Book* (1835), 80, criticises the meanness of the free seats in parish churches.

[2] I have dealt with this question more fully in my book, *The Corporation of Leicester, 1689–1836* (1939), 108–12.

[3] cf. E. L. Woodward, *The Age of Reform, 1815–70* (1938), 493. In putting forward this comment, I am of course aware that the suggestion does not by any means exhaust the significance of the Tractarian movement.

testant dissenters had common interest against the Church,[1] the majority of dissenters were slow to see this point. They argued that their own disabilities must be borne, lest their own relief might lead to measures giving greater scope to popery. Not until 1827 did the chief denominations begin to reconsider this belief.[2] Not until after their own victory in 1828, did the dissenters' deputies decide to support catholic emancipation.[3]

Yet two years before this decision of the dissenters' deputies, the catholic question had been a chief ground in the battle of the Leicester dissenters against the Anglican tory corporation. This was possible because in Leicester the leadership of the opposition was in the hands chiefly of members of those denominations which were most inclined to favour an advanced liberal policy—catholic emancipation included—namely, the independents, and the unitarians, especially the latter.[4]

Further, since the corporation was a close body, and there were no bodies of improvement commissioners in the town, some other arena had to be found for the battle. Partly, this was provided in the parochial vestries ;[5] but principally, by the parliamentary politics of the borough. These were turbulent, for the franchise was wide, and the "independent" interest was strong.[6] The franchise covered both freemen of the corporation not receiving alms, and householders paying scot and lot.[7] Under these circumstances, contested elections were expensive. It was therefore customary, when it was possible, for the

[1] As shown in the Catholic Militia Bill of 1807 ; Roberts, *op. cit.*, 15–16.

[2] Walpole, *op. cit.*, 377–9 ; Bennett, *op. cit.*, 88 ; cf. A. Lincoln, *English Dissent, 1763–1800* (1938), 236–7.

[3] Bennett, *ibid.*

[4] A. Herman Thomas, *History of the Great Meeting, Leicester* (1908), 60.

[5] cf. S. and B. Webb, *English Local Government*, i (1906), 158–9, 165. Some account of these contests will be found in my *Corporation of Leicester, 1689–1836*, 33–5, 43–7.

[6] cf. Hansard, New Series, xix, 1745. I have discussed the term "independence" in relation to Leicester in Greaves, *op. cit.*, 97, 106.

[7] T. Carew, *Historical Account of Rights of Elections* (1755), 321.

corporation and opposition parties to compromise; the corporation nominating only one candidate, so making possible the return of the other for the whig opposition. It was partly out of the working of this procedure of compromise that arose the special determination of the municipal tories to contest with all vigour the election of 1826.

For in the election of 1818, the corporation had allowed the return unopposed as a whig member of Thomas Pares, a barrister, and a member of a local banking family.[1] Pares at the election set himself up as a "constitutional whig", in spite of his having the support of leading radical dissenters.[2] In parliament he belied his election professions. He showed himself a radical, by his support of reforming measures, even of parliamentary reform,[3] and of catholic emancipation.[4] Since Mansfield, the other member, himself a banker, as consistently did the opposite, the two members' votes cancelled out. The only thing the two members had in common was their close association with banking. The effect of this was that the credit of the Leicester corporation as a bulwark of church-and-king toryism declined. Moreover, it had offended by admitting, "in a moment of weakness", two members to its body, who were of "improper" political opinions.[5] In fact, in the early twenties the body was rent by internal factions,[6] and this, in view of the strength of the opposition party in the town, spelled disaster at any forthcoming election.[7]

Obviously, therefore, in emphasising the catholic question in 1826, at a time when the duke of York, the Catholic

[1] See C. J. Billson, *Leicester Memoirs* (1924), 19.

[2] *Leicester Journal*, 12 June 1818; 9 October 1819.

[3] See *The Black Book*, i (1820), 436; ii (1823), 182. *Alphabetical List of Members of Parliament, how they voted on 14 great questions, 1821–2.*

[4] *Leicester Journal*, 29 May 1819; 25 January 1820.

[5] *loc. cit.*, 12 June 1818.

[6] *loc. cit.*, 3 March 1820; Mansfield actually considered retiring on the ground that he did not feel sure of the united support of the corporation.

[7] The defeat of the corporation candidates in 1768 had been due, as the published poll book shows, largely to dissensions in the corporation itself. Greaves, *op. cit.*, 103–4.

Association, and the radicals had again brought it into the foreground of politics, the tories of the Leicester corporation made an astute move. Concentration on the catholic question would not only unite the factions in the corporation, but might also by playing on the fear of popery common amongst the protestant nonconformists, divide the nonconformist opposition. By this means the corporation might restore its lost credit.

II

Thus to the long-standing and increasingly bitter conflict between the Leicester corporation and its local opponents was added the almost inconceivable fury of the fight about catholic claims and protestant fears. The battle that took place in the Leicester election of 1826 was in the first instance an episode in the conflict of local parties. Preparations for it were begun four years before, a fact which goes to show that fear of popery was not the sole nor even the most important motive for the activities which made the election of 1826 so highly notorious.[1] Moreover, when the preparations were begun, party conflict was at a great height. Early in 1822, the local radicals had made use of a general town meeting called to discuss a local improvement plan to lead a root-and-branch attack on the corporation.[2] A second great onslaught was made in 1824, through certain vestries, in an enquiry into the use of rates levied in the borough.[3] The 1826 election could only be another opportunity for a trial of strength between the two parties. When preparations were begun in 1822, the catholic question, though almost certainly not absent from the minds of the corporation, was not then as prominent as it became in 1826, when it provided a suitable rallying cry for tory votes.

[1] The corporation had petitioned the legislature against catholic relief in 1821 and 1822; Leicester Corporation, MS. Hall Books, 11 April 1821, 22 May 1822.

[2] *Leicester Journal*, 25 January 1822.

[3] Leicester Cathedral MS., S. Martin's vestry book, no. 21, April 1824.

In December 1822, the common hall of the corporation resolved unanimously that "in consideration of the approaching election, it was highly expedient to increase the number of freemen of the borough of Leicester". It therefore appointed a large committee of thirty-five members to draw up lists of gentlemen "of such sound constitutional principles as they may deem proper to be presented for the consideration of the Hall".[1] At the end of the year, four hundred and fifty names were presented.[2] Of these gentlemen only four declined the honour offered them.[3] Further lists were presented, until by the autumn of 1824, the committee had exhausted itself. The whole Hall then became a committee for this end.[4] Each gentleman nominated was informed by letter from the town clerk that the corporation would pay all fees except a certain small sum of £3 stamp duty to the king, which sum it was hoped the gentlemen would consider a small sacrifice in view of the great issues involved.[5] Since the corporation servants must have their perquisites, and the town clerk was not forgoing his fees, these wholesale enrolments were expensive. Therefore steps were taken to finance the plan. The chamberlains were allowed to borrow up to £500 from funds raised by the sale of land in the recently enclosed South Fields. At the same time, the price of the freedom to strangers was increased from £35 to £50,[6] this being an old device to raise money in times of financial stringency.

Quite early these proceedings were known to the public. In consequence of the emphasis subsequently laid on them by the municipal commissioners' report, their notoriety was increased. Yet other municipal bodies took similar steps. At Nottingham, for instance, which had the status of a

[1] Leicester Corporation, MS. Hall Books, 18 December 1822.
[2] *ibid.*, 30 December 1822. [3] *ibid.*, 20 January 1823.
[4] *ibid.*, 3 September 1824.
[5] Municipal Corporations Report (1835), 1910; Hansard, N.S., xvi, 1210–11; R. Read, *Modern Leicester* (1881), 232 ff.: *The Times*, 15 September 1827, 3 a.
[6] MS. Hall Books, 3 September 1824.

county, voters were created by multiplying freeholds,[1] and a number of Leicester radicals were made freemen of the corporation of that city.[2] At Coventry also corporation funds were used to pay the enrolment expenses of freemen in the interest of the corporation candidates [3] and that was more noteworthy as the corporation of Coventry was of no very marked political colour.[4] At Leicester, what was most remarkable was the extremely systematic method of pooling the knowledge of the whole corporation, so that no eligible person should be overlooked.

In all, in the two years following the resolution, eight hundred honorary freemen were enrolled in view of the approaching election. These were analysed by a contemporary pamphleteer as including a hundred and four clergymen, " the Honorary Clericals, the Hundred Chaplains of the Holy Alliance ", as well as fourteen baronets and sons of nobility, and a hundred and three graziers and farmers.[5] It was obvious, moreover, to any informed person that the method of enrolling these freemen so far ahead was designed expressly to evade the Act of 1763 which prohibited freemen of boroughs who were of less than twelve months' standing from voting in parliamentary elections.[6] It was pointed out that " no nobleman was in the lists as their votes would not have been receivable, and their election could therefore serve no useful purpose ".[7]

[1] Municipal Corporations Report (1835), 2005.

[2] *An Alphabetical List of the Burgesses & Freeholders who polled . . . for two Burgesses to represent . . . Nottingham . . . June 1826* (Nottingham, 1826) contains thirty-seven Leicester names as polling for the two whig candidates, including the Rev. Charles Berry (p. 9) and Thomas Paget (p. 4). There were thirteen " plumpers " for Wright, the tory candidate.

[3] Municipal Corporations Report (1835), 1835.

[4] *ibid.*, 1833.

[5] *The Times*, 21 June 1826, 3 a; Read, *op. cit.*, 232; H. Hartopp, *Register of the Freemen of the Borough of Leicester*, ii (1933), pp. xii–xiii.

[6] 3 George III, c. 15. Freemen by birth, marriage and servitude were not affected by the act. For the origin of this " Durham Act ", see E. A. Porritt, *The Unreformed House of Commons* (1903), i, 65.

[7] Hansard, N.S., xvi, 1201.

After this manufacture of eight hundred potential voters, the next stage came with the dissolution of parliament and the issue of writs for a new election. Now a new problem had to be dealt with. Since the former members both retired, new candidates had to be found. Consequently, the common hall appointed a "Secret Committee . . . to take such steps and adopt such measures as they may think proper on behalf of the Corporation". This committee consisted of the borough magistrates, except the mayor and the recorder, being thus a small body of four persons.[1] It was given a free hand, "it being understood that any expenses which they may incur shall be adopted by the Corporation, and that the order of the Chairman upon the Chamberlains is to be a sufficient authority for the payment".[2]

None the less, the corporation was slow in finding a candidate, and two others were already in the field before a sound "Church and King" man could be found. First to appear was a radical, William Evans, a cotton manufacturer, who had been member for Retford in the previous parliament.[3] Next was a Canningite tory, Robert Otway Cave, of an old Leicestershire family, the owner of considerable lands in Ireland. Neither candidate was satisfactory on the catholic question. Evans was an open supporter of emancipation; Cave was equivocal.[4]

The slowness of the corporation to find a tory sufficiently ardent to risk the worry and expense of a violently contested election in a highly factious town infuriated the local tory zealots. From the refusal of a county magistrate to stand, because he feared the contest, it appeared that "the body" was "in so shattered a state as to be no longer

[1] M. Bateson, *Records of the Borough of Leicester*, iii (1905), 363.

[2] MS. Hall Books, 30 August 1825.

[3] Read, *op. cit.*, 222. For Evans's support of reforming measures, see *The Black Book*, i (1820), 154; this notes that he did not vote for the repeal of the Six Acts; nor did Pares. Hansard, N.S., vii, 140; viii, 288, 1288; xiii, 298; xv, 715.

[4] *Leicester Journal*, 12 May 1826; W. Gardiner, *Music and Friends* (1838), ii, 627–8.

deemed a safe conveyance, even for a single passenger to the walls of St. Stephen's ! ! ! " [1] At last, after a fortnight's suspense, a tory was found, in Sir Charles Abney Hastings, of Willersley Hall.[2] The town clerk was now able to send out a second letter, dated 27 May, to the honorary freemen, recommending to them the candidature of Hastings as " true blue ". About Cave it was very reserved.[3]

Within ten days of this letter, it became evident that Cave's position as a moderate tory was a weak one ; and the radical canvas showed that Evans had a large following. This not only augured ill for Cave, but was alarming also to the corporation. For Evans was already known as a supporter of reforming measures, and he made no secret of his intention, if elected, to expose the municipal corruption of Leicester.[4] Thus, when Cave's committee entered into an alliance with the corporation, both parties stood to gain. It was agreed that Cave when elected should support corn-law repeal, and, most important, should refrain from voting in support of Roman catholic relief.[5] The catholic question was to serve in an attempt to divert attention from municipal abuses.

The election began on the 13 June. At the nomination of the three candidates at the hustings, it was significant that Hastings, the chief corporation candidate, was only able to gain a hearing after the crowd had been quieted for him by Evans. It is significant that Cave described his attitude to the catholic question as that of deference to the Leicester electorate. Both he and Evans emphasised the value of free trade ; all three candidates expressed abhorrence of negro slavery.[6]

The corporation enjoyed immense advantages in the fight, as a result of its control of the town police force and

[1] *Leicester Journal*, 12 May 1826. [2] *ibid.*, 26 May 1826.
[3] Municipal Corporations Report (1835), 1910.
[4] Gardiner, *op. cit.*, ii, 627–8.
[5] Municipal Corporations Report (1835), 1910–11 ; Hansard, N.S., xvi, 1202.
[6] *Leicester Journal*, 16 June 1826.

influence over parish officers. Moreover, it was able to arrange the manner of taking the poll so as to gain the greatest benefit for its own side. It was decided by the returning officer and the corporation that the votes should be taken in pens, two adjoining for Hastings and Cave, and one slightly apart for Evans, votes being taken in rotation from each crib. The object of this was obviously to discourage the voters from voting for Evans and Cave. In fact, the correspondent of *The Times* went so far as to declare that this arrangement had "the palpable effect" of "polling two votes for the corporation candidates to the single plumper for Mr. Evans, in effect securing, as the freemen are too numerous to be polled out in 15 days, a certain majority of two to one for the corporation candidates".[1] Moreover, as it was later pointed out, there was always a certain proportion of voters who waited to see which was the winning side and voted accordingly.[2]

The liberals' complaints being unheeded, they persuaded Denman, a prominent supporter of reforming measures,[3] then passing through Leicester on his way from Nottingham, to stand as a fourth candidate, so as to balance the arrangement of pens. The town clerk, a particularly unscrupulous politician, by way of throwing ridicule on Denman's candidature, proposed Cobbett and Hunt,[4] but these received not a vote.[5]

The proposal of additional candidates increased confusion, but it was not until a riot had nearly destroyed the hustings that the returning officer consented to the erection of a separate booth for Denman, as well as, after yet further delay, of a booth for scot and lot voters.[6] The plan of voting in pens was obviously open to the greatest abuses. For since "it at once showed for whom the voter

[1] *The Times*, 15 June 1826; Hansard, N.S., xvi, 1204. In making this arrangement, the corporation assumed that there would be few plumpers for their own candidates, an assumption not altogether borne out by the poll book.

[2] Hansard, N.S., xvi, 1204.

[3] *The Black Book*, ii (1823), 151.

[4] Read, *op. cit.*, 247.

[5] *The Times*, 17 June 1826, 4 b.

[6] *ibid.*, 19 June 1826, 3 c; 20 June, 2 e.

was about to poll", it "considerably facilitated the unfair practices of the parish officers".[1] These, armed with poor-law books, scrutinised very closely the votes for the liberal candidates. They were not so critical of votes that were being cast for the corporation candidates. It was indeed a close fight, as is shown by a note prefixed to the published poll book, that "the Electors who polled for Cave and Denman were the friends of Hastings and Cave, but polled Cave and Denman by desire, to meet a particular emergency".[2]

Eleven days of polling were spread over a hectic fortnight. There was serious rioting, the Exchange was nearly sacked, and the yoemanry and militia had to be called in to disperse the mob. A hundred and twenty-eight offenders found themselves lodged in prison.[3] Every night there were election speeches, in which the sins of the corporation were thoroughly rehearsed.[4] Accusations of popery were freely flung about, and a tory squib, published as early as March, in an attempt to stir up protestant prejudice, stated that the pope had appointed a "Radical little hosier opposite the Bell Hotel his sole agent for the Sale of Pardons for sins already committed, or Indulgences for sins contemplated, at ridiculously low rates".[5] On the other side, Macaulay, whose home was near by at Rothley Temple, concentrating attention on local abuses, composed a satirical paper representing the Leicester corporation as the "Blue Magician", and Burbidge, the town clerk, as the "familiar imp".[6] In Leicester, as elsewhere, there was severe criticism of the clergy.

After a fortnight the election ended. Hastings and Cave were returned by majorities that were adequate, if

[1] Municipal Corporations Report (1835), 1913.
[2] Poll Book (Leicester, 1826).
[3] *The Times*, 17 June 1826, 4 b; *Leicester Journal*, 16 June 1826.
[4] *The Times*, 15 June, 2 c; 19 June, 3 c; *Leicester Journal*, 16 June 1826. Read, *op. cit.*, 238–9.
[5] Read, *op. cit.*, 225.
[6] *ibid.*, 244–6.

not enormous.[1] *The Times* observed very dryly that the returning officer had acted impartially " except as to his mode of taking the poll ".[2] The *Leicester Journal* regarded the outcome as a " signal and glorious victory, most decisive and complete ".[3] The corporation held a dinner to celebrate this victory, secured by so much trouble and expense, for the " protestant ascendancy ". Moreover, the result of the general election was at least not discouraging to those who viewed with horror any Roman catholic relief measures, however slight.[4] Still more when, in the beginning of 1828, the duke of Wellington became prime minister might the diehards have felt secure. Yet the duke himself understood that " the government has been formed on the principle on which all have been formed for the last twenty years: viz., that of the Roman Catholic question being an open one ".[5]

III

The agreement with Cave's committee had secured the return of two candidates pledged to give no support to catholic emancipation. Yet it was to prove a disappointment financially, and worse than useless politically.

The election necessitated a considerable re-adjustment of corporation finances. For this purpose, another secret committee was formed, to carry into effect " arrangements made on behalf of the Corporation with reference to the late election ". Like the first secret committee, this new body was to consist of the borough justices, but unlike it, without excluding the mayor and recorder. It was given power " to draw upon any funds at the disposal of the corporation, and to enter into any engagements, pecuniary

[1] Hastings, 2,773; Cave, 2,678; Evans, 2,063; Denman, 1,011.

[2] *The Times*, 26 June 1826, 2 f.

[3] *Leicester Journal*, 26 June 1826, 2 f.

[4] S. Walpole, *op. cit.*, ii, 213–4. But cf. the comment of Huskisson to Canning, 16 October 1826: " The Catholic Question is becoming every day more formidable." Add. MSS., 38748, fo. 183.

[5] Letter to the duke of Montrose, 20 April 1828. Wellington, *Dispatches and Correspondence*, iv (1871), 411.

or otherwise, on behalf of the corporation, as they in their discretion may think fit, all which the Hall will ratify and confirm. And that the Report of the Chairman be taken and deemed a sufficient authority for the same." [1] Obviously, the corporation expected great financial embarrassment, but not as great as it had to undergo.

For Otway Cave refused to pay what the corporation regarded as a fair share of the expenses, according to the agreement that had been made. It had been agreed that except in the event of Cave's retiring from the contest for the benefit of Hastings, the election expenses were to be shared equally, and the expenses incurred before the election to be divided equitably, on lines to be settled by one representative of each of the committees of Cave and the corporation.[2] In accordance with this arrangement the corporation demanded of Cave £7,000 as his share of £15,000 additional expenditure. Of this sum he had already paid £3,000, partly in the enrolling of freemen, which accounted for £1,000, and partly by the payment of £2,000 to the corporation steward.[3] Cave refused to pay the extra £4,000, and it was alleged that the committees had made the agreement without the candidates' knowledge. An acrimonious correspondence followed between Cave and the town clerk, without any result beyond inflaming party spleen. The controversy caused great anxiety to the corporation,[4] which attempted a solution by appointing an arbitrator to apportion the expenses of each party.[5] Cave resisted all these efforts, and was regarded by tory lords as a defaulter.[6]

In his own defence it was argued that, so far from the corporation having secured his return, as it claimed, probably a thousand voted for Hastings in consequence of the

[1] MS. Hall Books, 5 September 1826.

[2] Municipal Corporations Report (1835), 1910–11, text of the agreement.

[3] *Leicester Journal*, 24 August 1827. cf. Hansard, N.S., xix, 1300. Slightly larger figures are given in the Municipal Corporations Report (1835), 1911.

[4] MS. Hall Books, 12 September 1827.

[5] *ibid.*, 27 August 1828; present of plate to the arbitrator.

[6] Hansard, NS., xix, 1746.

alliance with Cave, that would not otherwise have done so.[1] Moreover, according to an interesting letter published in the *Leicester Journal*, the coalition of Hastings and Cave so reduced the intensity of competition for votes, that the standard price of a vote never rose above five shillings, so that, in fact, the corporation was in consequence saved money.[2] None the less, although the Leicester election was not the most expensive of the year, it was expensive enough, costing in all, according to a contemporary estimation, about £60,000 between the four candidates.[3] As the radical *Leicester Chronicle* observed, " it must be confessed that in the Leicester Market, ' No-Popery ' is an expensive article ".[4]

The breakdown of the agreement with Cave produced for the Leicester corporation a financial crisis. Economy was pressed, and a committee was appointed to investigate generally finance and expenditure.[5] Above all, in September 1827, the Investment Committee was given power to borrow at interest such sums of money as appeared necessary : a bond of indemnity being promised to persons acting on the corporation's behalf.[6]

In March 1829, this committee's labours culminated in a transaction that provided good capital for the liberals when the two municipal commissioners sent to Leicester arrived there in the autumn of 1833.[7] For a loan of ten thousand pounds at four per cent. the corporation mortgaged a portion of its estates to the Rev. Henry Palmer of Carlton Curlieu in the county ; the loan to be used in paying off sums of money that had been borrowed for the use of the corporation on the security of some of its members.[8] This

[1] *Leicester Journal*, 31 August 1827 ; Hansard, N.S., xix, 1300.
[2] *Leicester Journal, ibid.*
[3] Gardiner, *op. cit.*, iii, 13–14.
[4] *Leicester Chronicle*, 25 August 1827.
[5] MS. Hall Books, 21 March, 27 August 1828.
[6] *ibid.*, 17 September 1827.
[7] Municipal Corporations Report (1835), 1902.
[8] MS. Hall Books, 24 March 1829.

loan was to be part of the legacy of debt left by the old corporation to the new.[1]

For all these embarrassments, the corporation of Leicester got but little reward: its efforts proved in the end worse than valueless. Of the eight hundred honorary freemen elected, only four hundred and forty-four actually voted: [2] and these votes would not have been necessary to gain a tory victory had not a number of out-voters, especially in the early part of the election, polled for Evans.[3] The value of the honorary freemen was in fact not immense, for, as Hastings pointed out, and Cave himself admitted,[4] there was a majority among the resident voters against the "catholic claims".[5]

Yet when the influence of the poor-law officers is taken into account, and the large number of votes obtained for Denman in so unprepared a candidature, the election figures show the strength of the opposition, to defeat which the corporation had to mobilise all its resources. Of these we may say that, in all probability, it was not the honorary freemen that were of the greatest value, but the "partiality of the returning officer, the unfairness of the overseers, and the violence of the constables".[6]

In fact, the return of Cave proved in its results most unsatisfactory to the corporation. Cave offended by his attitude on the catholic question. The Leicester cor-

[1] MS. Council Minutes, Report of Finance Committee, January 1836.

[2] Municipal Corporations Report (1835), 1910; Hansard, N.S., xvi, 1204; H. Hartopp, *op. cit.*, ii, p. xiii, gives 445 honorary freemen voters in this election.

[3] *The Times*, 21 June 1826, 3 a. [4] Hansard, N.S., xx, 358.

[5] The poll book shows a clear but small majority of town votes for the corporation candidates: Hastings, 1,211; Cave, 1,105; Evans, 1,098; Denman, 953. Other votes were as follows:—

Hastings	*county*	824	"*foreign*"	738
Cave	,,	848	,,	725
Evans	,,	516	,,	449
Denman	,,	386	,,	386

See also Hartopp, *loc. cit.*

[6] Municipal Corporations Report (1835), 1912–13.

poration, already alarmed by a triumph of liberalism in the removal by the repealing Act of civic disabilities long borne by the dissenters,[1] was driven almost frantic by the retreat of Wellington and Peel on the catholic question in face of a threatening situation in Ireland.[2] It submitted to the Commons a hysterical petition against the admission of papists to any kind of political power.[3] It was still less pleased when Cave, whom it regarded as elected largely by its own efforts for "protestant ascendancy", not only introduced into the House radical petitions for the obnoxious measure—justifying himself by the argument that he was again deferring to the Leicester electorate, which now, he said, favoured these claims [4]—, but above all, at the critical time, gave his vote for the measure which he had, in the corporation's judgment, been elected expressly not to support.[5]

More than this, Cave became, in consequence of his quarrel with the Leicester corporation about the election expenses, its most relentless enemy in the House, and the principal agent of the Leicester liberals in the persistent advertisement of the corporation's sins. It was a result of this deliberate campaign to exhibit its political wickedness, that every year from 1827 to 1832, motions or bills were introduced into the House of Commons drawing attention, in one way or another, to the political activities of municipal corporations.[6] The local vendetta of corporation tories and opposition liberals was thus transferred to Westminster.

In that vendetta Cave became the sponsor of the Corporate Funds Bill "to restrain the application of corporate funds to the purposes of the election of members to serve

[1] MS. Hall Books, 21 March 1828; 9 George IV, c. 17.

[2] cf. R. Peel, *Memoirs*, i (1857), 284–310.

[3] MS. Hall Books, 2 February 1829; cf. for a more educated expression of the horror felt at the Act 10 George IV, c. 7, written years later, in 1843, W. Palmer, *Narrative of Events connected with the "Tracts for the Times"* (edition 1883), 96, where Palmer speaks of "the *fatal* year 1829".

[4] Hansard, N.S., xx, 358, 701.

[5] *ibid.*, 1634.

[6] S. and B. Webb, *op. cit.*, iii, 478–9, 479, n. 2.

in Parliament". This had originally, according to one authority, been the idea of Evans.[1] It was implied in a speech calling attention to abuses in Leicester, as early as March 1827,[2] at a time when Cave was still on good terms with the corporation.[3] In the following April, a bill was actually introduced by W. L. Maberly, the reforming member for Northampton.[4] It passed the Commons,[5] but was defeated in the Lords.[6] Upon Maberly's abandoning the project,[7] it was taken up by Cave. In June 1828, he re-introduced the bill into the House, pointing his argument by reference to the corporations of Rye, Limerick, Northampton, and especially the now notorious Leicester.[8] Again the bill passed the Commons;[9] and again it was defeated in the Lords.[10]

None the less, propaganda on the subject of corporate revenues persisted, the Leicester radicals being assiduous petitioners.[11] Early in 1831, a new bill was introduced into the House, this time by Evans, who had announced his intention during the election of the previous year.[12] The new bill was rather more elaborate than the simple measure of 1827 and 1828. It contained new provisions that probably arose directly out of the activities in Leicester. Espec-

[1] W. Gardiner, *op. cit.*, ii, 628. Gardiner profoundly admired Evans.

[2] *Leicester Chronicle*, 24 March 1827. Hansard, N.S., xvi, 1198, 1216.

[3] MS. Hall Books, 20 March 1827. Thanks of the Hall to the members for the town, and to one of the county members, and to others "who so ably vindicated the Corporation . . . from the aspersions cast upon them in the late Petition to the House of Commons".

[4] *The New Parliament, appendix to the Black Book*, 21 October 1826, p. 24.

[5] *Commons Journals*, lxxxii, 480.

[6] *Lords Journals*, lix, 403.

[7] Hansard, N.S., xvii, 1379.

[8] *ibid.*, xix, 1297. *Commons Journals*, lxxxii, 422, 425.

[9] *Commons Journals*, lxxxii, 519. For the text of the bill of 1827 and 1828, see Public Bills, 1826–7, ii, no. 280, 321, pp. 1, 11; Public Bills, 1828, ii, no. 419, p. 209.

[10] *Lords Journals*, lx, 634.

[11] e.g. Hansard, N.S., xix, 702; xx, 390–1; *Commons Journals*, lxi, 415.

[12] *Leicester Journal*, 4 February 1831. Evans was returned as member for Leicester, along with Hastings. *Commons Journals*, lxxxvi, 264. Reintroduced in June: *ibid.*, 551.

ially, it sought to make void any such transactions as the Leicester corporation had concluded in the mortgage of March 1829.[1] It was not until the reform parliament that the bill, again introduced by Evans,[2] became law.[3] It was resisted to the bitter end by such tories as Lord Eldon, who condemned it as an attack on property. To his objection, the bill's mover in the Lords, the earl of Radnor, replied that the bill "originated in consequence of the conduct of the corporation of Leicester. . . . The funds of a corporation, so far from being private property, belonged to the whole of the people in the corporation: and this bill, instead of being an invasion of private property, was in fact intended to secure it."[4]

It was noticed that, in the election next following, the Leicester corporation had "no cause to rejoice in the passing of the Corporate Funds Bill".[5] Yet, though this act was a complementary measure to the parliamentary representation act, and more profoundly affected the powers of the municipal bodies than the legislative removal of dissenters' disabilities, which rarely made any real difference,[6] it was not the only or even the main reason why the Leicester corporation was so weak politically by 1832. For the reform of the franchise took away the non-resident freemen, whose votes, on balance, favoured the corporation party; and the constituency was reduced by nearly 7,000

[1] Public Bills, 1830–1, i, 450; 1831, i, 340. 2 & 3 William IV, c. 69, s. iii. "And be it further enacted that all conveyances, mortgages, leases or other assurances or dispositions of lands tenements or hereditaments belonging to or vested in or held in trust for any municipal corporation, made or executed for the purpose of securing satisfying or compensating any expenses debts payments or disbursements, liabilities or engagements incurred . . . contrary to the true intent and meaning of this act . . . shall be utterly void."

[2] *Commons Journals*, lxxxvii, 17.

[3] *ibid.*, 542.

[4] Hansard, 3rd Series, xiv, 425. cf. F. Palgrave, *Corporate Reform* (1833), 65–6.

[5] *The Times*, 15 December 1832.

[6] Bennett, *op. cit.*, 83. Municipal Corporations Report (1835) furnishes illustration of this; e.g. Kidderminster, p. 1682; Northampton, p. 1976; Shrewsbury, p. 2021.

votes.[1] What was much more important was that the corporation was unfamiliar with the new technique of registration introduced by the act, and not prepared for working it.[2]

Moreover, the reforms of 1832 did not mark the beginning of the corporation's weakness. Before these, it was already nearly *hors de combat.* In the elections of 1830 and 1831, it was unable to put up a fight in defence of the church and tory interest, although this was apparently in greater danger than it had been in 1828 or 1829.[3] Such was the decrepitude of the once vigorous corporation, that in 1831, at the height of the crisis, it had to permit, without offering any resistance, the return as members for the borough of two liberals, one of whom was the arch-enemy Evans himself.[4] This impotence was the legacy of 1826. The corporation of Leicester was now financially exhausted. As early as the autumn of 1827, *The Times* had observed that " the corporation, in debts and difficulties inextricable, are becoming politically powerless, and will never meet with ' No Popery ' candidates again, except in Bedlam ".[5]

Thus the election of 1826 in Leicester, though it might represent an immediate victory for the corporation tories, was in the long run a decisive defeat. It prepared the way for the liberal nonconformist ascendancy in the government of the town, an ascendancy that, led by prominent unitarians of the Great Meeting,[6] made Victorian Leicester a metropolis of dissent comparable with the Birmingham of Joseph Chamberlain. Oddly enough, the contest at Leicester in an indirect way yet in some measure justifies bishop Marsh's

[1] C. Seymour, *Electoral Reform in England and Wales* (1915), 84. 2 William IV, c. 45, s. xxxii.

[2] 2 William IV, c. 45, ss. xliv–lvii ; numerous references in the Leicester press.

[3] cf. S. C. Carpenter, *Church and People, 1788–1888* (1933), 52–4.

[4] *Leicester Journal,* 11 November 1831.

[5] *The Times,* 15 September 1827.

[6] *Centenary Book of the Great Meeting, 1783–1883,* 7–9. In the early days of the new corporation this chapel produced so many mayors and other civic officials as to be called the " mayors' nest ".

argument that catholic relief implied concessions to dissenters also. For the promoters of catholic claims in 1826 were, at least in Leicester, of necessity also promoters of municipal reform. For the no-popery cry, though no doubt in part the expression of real passions, was intended also to divert attention from corporate abuses, as well as to serve as a means whereby the corporation might recapture that political influence which by the early twenties it appeared to be losing.

Consequently, the Leicester radicals, acting largely for local reasons, prosecuting their feud against the corporation by proceedings at Westminster, promoted the movement that gave finally to the dissenters, in the Municipal Reform Act of 1835, what their historian has called "the most effective practical repeal of the corporation act".[1] Of no little value as propaganda in this cause was the report of the two municipal commissioners who came to Leicester in 1833.[2] The local opposition made sure that Whitcombe and Cockburn, the two commissioners, had adequate evidence of the Leicester corporation's abuse of its privileges. In their report the commissioners laid great stress on the election of 1826. In consequence that election has contributed not a little to the ill fame of the Leicester corporation as the worst of the unreformed bodies.[3] The activities of the Leicester radicals in these years furnish an interesting illustration of the "constant and active pressure from without", exercised on the legislature by the "left wing" of the period, a form of pressure which, as Mr. Maccoby has shown, contributed not a little to the constructive reforms of the first half of the century.[4]

Finally, it was the bringing of the local feud to Westminster that led to the passing of the Corporate Funds Act

[1] Bennett, *op. cit.*, 83.

[2] Municipal Corporations Report (1835), 1910–14.

[3] S. and B. Webb, *op. cit.*, iii (1908), 475.

[4] S. Maccoby, *English Radicalism, 1832–1852* (1935); the phrase about external pressure is from a speech of Earl Grey in 1834, cited on page 7 of this book.

of 1832. This interesting measure has a bearing on both parliamentary and municipal reform. By restricting the influence of borough corporations at elections, it may be suggested, this Act made possible in greater degree the subsequent separation of local government questions from the great issues of party politics. It was, in this way also, a preliminary of the Municipal Reform Act of 1835. Further, it helped to eliminate from parliamentary elections those petty and local feuds and jealousies, which Peel had noticed in the general election of 1826, and which we have seen to be not unimportant elements in the Leicester contest.

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Winchester, 17, 41, 120, 134; bishops of, *see* Gardiner, Stephen; Raleigh, William de; diocese of, 155.
Windsor, Berks, 144, 134; abbot of, 137; dean of, *see* Hobart, Hon. Henry Lewis.
Wing, Bucks, 19 *n*.
Winniffe, Thomas, bishop of Lincoln, 43.
Winthorpe, Lincoln, 195.

Wintringham, Lincs, 62.
Wirksworth, Derbyshire, 112.
Wise, Elizabeth, 59.
Witchley Heath, Rutland, 7.
Witham, South, Lincs, 49.
Wixan, the, 6.
Woodford, Essex, 154.
Woodham Walter, Essex, 152.
Woods. *See* Aetheleahing, Fethelée.
Woodstock, Oxon, 114.
Wootton, Beds, 11 *n.*
Worcester, 131–2; bishop of, *see* Cantelupe, Walter de.
Worcestershire, C., 12 *n.*
Wordsworth, William, 26.
Workington, Cumberland, 21 *n.*
Worksop, Notts, 12.
Worsall, Yorks, 12.
Worsborough, Yorks, 12.
Worting, Hants, 15 *n.*, 17.
Wrangham, Francis W., 202 *n.*
Wright, Thomas, 24, 26, 31–2, 35.
Wulurich, John de, 129.
Wuscfrea (son of Edwin, king of Northumbria). 22 *n.*
Wymering, Hants, 15 *n.*
Wymondham, Norfolk, prior of, 128.
Wyse, Robert, 160 *n.*
Wystowe, John, 147 *n.*

YARMOUTH, 26.
York, 135; archbishops of, *see* Neile, Richard; Sandys, Edward; William; duke of, *see* Frederick.
Yorkshire, 12, 15, 23.
Yves (founder of l'Abbayette), 74–5, 91–4.

REPORT OF THE COUNCIL. SESSION 1937–1938

The Council of the Royal Historical Society have the honour of presenting the Annual Report to the General Meeting as follows :—

At the close of the session, Dr. Hubert Hall, Literary Director of the Society, laid down his office. He had served in that capacity without a break for forty-seven years, and had witnessed the whole of the long process through which the Society has developed into its present form. It would be hard to over-estimate the debt which the Society owes for his unremitting labour on its behalf. As Director he has supervised the preparation of a long series of publications relating to very diverse fields of historical investigation. He has placed at the service of the scholars who have contributed to the Society's publications a range and variety of historical knowledge such as is rarely possessed by one man in any generation. The Council, in recording the fact of his resignation, desire to express their sense of his devotion to the Society, and to wish him happiness in his retirement. Dr. Hall has been succeeded in the office of Literary Director by Mr. C. R. Cheney, Reader in Diplomatic in the University of Oxford, and Mr. A. V. Judges, Reader in Economic History in the University of London.

Early in the course of the session, Mr. M. S. Giuseppi informed the Council that he wished to resign the office of Honorary Treasurer, which he has held since 1931. At the request of the Council, he consented to remain in office until other arrangements had been made. His resignation has now taken effect, and the Council, in thanking him for his valuable services to the Society, desire also to express their especial gratitude to him for his willingness to retain his office during the period of transition through which the Society has lately passed.

At the Annual General Meeting held on February 10, 1938, the Vice-Presidents retiring under By-law XVII were

Professor H. W. V. Temperley and the Rev. Canon Claude Jenkins. A. E. Stamp and Professor C. K. Webster were elected Vice-Presidents to fill the vacancies. The Members of Council retiring under By-law XVII were Herbert Wood, Dr. Irene J. Churchill, Professor G. S. Veitch and Professor W. Rees. A further vacancy was caused by the resignation of Professor V. H. Galbraith. Miss E. M. Jamison, L. C. Loyd, Professor C. W. Previté-Orton, B. H. Sumner and Professor A. S. Turberville were elected Members of Council. Professor A. F. B. Williams was co-opted under By-law XIX in May to fill the vacancy in the list of Vice-Presidents caused by the death of A. E. Stamp. Messrs. C. Ryland Beeby & Co., 66 Basinghall Street, E.C.2, were appointed Auditors for the year 1937–38.

In the opinion that a considerable number of Fellows might welcome an opportunity of meeting informally in the Society's rooms, the Council have decided to hold, from time to time, evening meetings at which a subject will be introduced by one of the Fellows and an opening given for informal discussion. The first series of these meetings was announced in the card of session for 1938–39. At the ordinary meetings of the Society during the session 1937–38, the following papers were read :—

"The Historical Associations of Cheyne Walk, Chelsea." By Miss E. Jeffries Davis. (October 14, 1937.)

"'Fox's Martyrs'; the General Election of 1784." By Mrs. Eric George. (November 11, 1937.)

"The Idea of a Mercantile State." By A. V. Judges. (December 9, 1937.)

"The Development of English Medieval Scholarship between 1660 and 1730." By Professor D. C. Douglas. (January 13, 1938.)

"English and Czech Influences in the Hussite Movement." By Professor R. R. Betts. (March 10, 1938.)

"Illuminated Science Manuscripts in England." By Dr. F. Saxl. (May 12, 1938.)

The President, Professor F. M. Stenton, delivered an address at the Anniversary Meeting on February 10, 1938, his subject being "The Historical Bearing of Place-Name Studies: England in the Sixth Century." The Alexander Medal was awarded to Henry E. I. Phillips, B.A., for an

essay entitled " The Court of Star Chamber, 1630–1641." The Council have this year, for the first time, found themselves able to award the David Berry Prize for Scottish history between the reigns of James I and James VI. The award was made to G. Donaldson, M.A., for an essay entitled " The Polity of the Scottish Reformed Church, *c.* 1560–1580 and the Rise of the Presbyterian Movement." The examiners recommended that the Rev. Martin A. Simpson be adjudged *proxime accessit* for his essay on " The Scots in France—a study of the relations of Scotland with France in the reign of James I." The Presidential Address and the Alexander Essay with the above papers, except the first and last, were printed in *Transactions*, Fourth Series, Vol. XXI. Miss E. Jeffries Davis's paper will be issued as a separate publication.

The number of volumes issued during the session 1937–38 is the largest annual output in the history of the Society. In view of the state of the Publications Account, the Council decided to produce four volumes in the Camden Series instead of the usual two. There have been published, in addition to the volume of *Transactions*, one volume of the Camden Series standing over from the session 1936–37, viz., Third Series, Volume LVI, *John of Gaunt's Register, 1379–1382*, volume i, edited by the late Eleanor Lodge and R. Somerville, and three volumes in the Third Series for 1937–38, viz., Volume LVII, being the second volume of *John of Gaunt's Register* ; Volume LIX, *The Formation of Canning's Ministry, February to August 1827*, edited by A. Aspinall ; and Volume LX, being the first volume of *The Correspondence of Lord Aberdeen and Princess Lieven, 1832–1854*, edited by E. Jones Parry. The fourth volume of Camden Third Series due for 1937–38, viz., Volume LVIII, *The Early Charters of the Cathedral Church of St. Paul, London*, edited by Marion Gibbs, will be issued shortly. The Council has also issued during the session the first of the new series of Guides and Handbooks, a *Guide to English Commercial Statistics, 1696–1782*, edited by G. N. Clark, and

containing a catalogue of materials by Barbara M. Franks. It was intended to issue the first volume of this series in the session 1936–37, and this volume belongs to that year. The Council propose to issue two further volumes of the series in respect of the Session 1937–38, viz., the *Handbook of British Chronology* and *A Guide to the Historical Literature relating to British Portraits*, edited by S. H. Steinberg. It has been decided to place the volumes in this series on sale to the public. The volume of *Writings on British History 1935* is in the press, and will be issued shortly. In order to bring the date of publication of this series more nearly up to that of the items with which it deals, the Council in February, 1937, appointed Mr. G. E. Morey as a temporary part-time assistant to Mr. Milne for a period of twelve months. By this means the Council hope to be able to issue the volume for 1936 early in 1939 and that for 1937 before the end of 1939. But because of the lateness of the issue of many periodical publications, it is unlikely that it will prove possible to narrow any further the gap between the date of publication of the annual bibliography and that of the work with which it deals. For the session 1938–39, the Council propose to issue, in addition to the volume of *Transactions*, two volumes in the Camden Third Series, viz., Volume LXI, a new edition of *The Letters of Arnulf of Lisieux*, by F. Barlow, and Volume LXII, the second volume of *The Correspondence of Lord Aberdeen and Princess Lieven, 1832–1854*, edited by E. Jones Parry, and a volume in the series of Guides and Handbooks. Other volumes approved by the Council for future publication in the Camden Series are *Camden Miscellany XVII ; British Reports on Trade and Politics in Latin America, 1824–1827*, edited by R. A. Humphreys ; *The Domesday Monachorum of Christ Church, Canterbury*, edited by Professor D. C. Douglas ; *British Diplomatic Representatives, 1509–1688*, edited by R. B. Wernham ; *The Chronicle of Walter of Hemingburgh*, edited by H. Rothwell ; *Proceedings under the Dictum de Kenilworth*, edited by Professor F. M. Powicke and M. Tyson ;

Ministers' Accounts of the Earldom of Cornwall, 1296–1297, edited by Margaret Midgley ; *Historia Roffensis, 1315–1350*, edited by H. G. Richardson ; *Documents illustrating Episcopal and Abbatial Elections*, edited by W. K. Evers ; and an edition of the *Liber Eliensis*, Books I and II, prepared by Dorothy Whitelock. The Council has also accepted the proposal for a *List and Index of Parliamentary Papers, 1700–1800*, to be edited by E. Wagstaff and A. T. Milne for the series of Guides and Handbooks.

The Council have to record, with regret, the deaths of twenty Fellows during the session. Among these the Council would especially mention A. E. Stamp, Deputy Keeper of the Public Records, a Vice-President 1928–32, 1933–37 and 1938 until his death : and J. F. Chance, who was elected a Fellow in 1892, was a member of Council 1908–17 and 1924–26, a Vice-President 1917–23, 1926–29 and 1930–34, and an Honorary Vice-President from 1935 until his death. Mr. Chance made notable contributions to the Society's publications, in particular two volumes of *Diplomatic Instructions, Sweden* and the volume of *Diplomatic Instructions, Denmark*. In addition, 12 Fellows and 2 Associates have been lost by resignation, and 4 Fellows by removal from the roll for non-payment of subscriptions. 33 new Fellows and 9 Associates have been elected, 1 Fellow has been reinstated and 6 Libraries have been admitted as subscribing libraries. The names of 2 distinguished scholars have been added to the list of Corresponding Members. The membership of the Society on October 31, 1938, was 907 Fellows, including Ordinary, Life, Honorary and Corresponding Fellows, and 45 Associates. There were 287 subscribing libraries. Of the Fellows, 3 were Honorary, 42 were Corresponding and 156 were Life Fellows. The number of Fellows remains the same. There was a gain of 7 Associates and 6 Libraries. There were 38 Societies, British and foreign, which exchanged their publications with the *Transactions* or Camden Series of the Society.

There have been two further modifications in the plan

of the Society's library. In the first place, the Council came to the conclusion that with the rapid growth in recent years of better provision for securing the preservation and accessibility of manuscripts there had ceased to be good grounds for the retention of a collection of manuscripts in the Society's library, and that the manuscripts in the Society's possession would be rendered more readily available to students were they transferred to some well-known repository. The Council, therefore, have presented to the Public Records Office the transcripts of seventeenth- and eighteenth-century state papers made for the old Record Commission and transferred to the Society by the Masters of the Bench of the Hon. Society of Lincoln's Inn on the recommendation of the Royal Commission on Public Records 1910–18, and to the British Museum the remainder of the Society's collection of manuscripts. In the second place, the Council have decided to abandon that part of the plan for the library adopted in 1934 which proposed the inclusion of a collection of the texts of British colonial and imperial history, on the ground that the volumes at present possessed by the Society form a mere fragment of such a collection, that the resources at the disposal of the Council for library purposes and the space available for housing the library are inadequate for any collection of the texts of British colonial and imperial history which would approach completeness, and that excellent libraries of this kind exist elsewhere in London. The colonial section has, therefore, been withdrawn from the library, and will be disposed of by sale or exchange. There have been added during the session, to the Society's collection of the record series published by local and other record societies, the record publications of a number of defunct societies. Of these, particulars are given in the Appendix to this report. Further progress has also been made in building up the collection of calendars and other publications issued by H.M. Stationery Office.

The Treasurer reports that the income of the year 1937–38

exceeded the expenditure chargeable against it by £15 10*s.* 9*d.* The sum of £1,300 has been granted for Publications as against £1,100 in the previous year. The increase in "General Printing and Stationery" under "Secretarial and Administrative Expenses" is in part due to the transfer to that account of items which formerly would have been charged to the Publications Account. The Lease Renewal Fund has now been reduced to £210 16*s.* 4*d.*, but this sum will be sufficient to meet the remaining expenses for which the Fund was raised. The Society has disposed of its interest in 22 Russell Square in return for the acceptance by the new tenants of the Society's liability to meet a claim for dilapidations amounting to the sum of £408 15*s.* ; and the premises were handed over on August 26, 1938. The Pension Fund is now considered sufficient for the purpose for which it exists and accordingly interest received in the year on the investments representing the Fund has been brought into the General Income of the Society. The balance on the General Income and Expenditure Account, representing the surplus of assets over liabilities and unspent allocations, amounts to £2,666 6*s.* 4*d.*, compared with £3,174 1*s.* 4*d.* at the beginning of the year. The reduction is mainly due to the expenditure of £407 19*s.* 9*d.* allocated to meet the cost of binding a quantity of back volumes.

APPENDIX

(i) *In addition to further record publications of local authorities, the following publications of record societies have been added to those already in the library :—*

Alcuin Club. *Collections*, vols. I–XXIX (1899–1930).
Bath Records Society. *Ancient Deeds of Bath* (1921).
Hampshire Record Society. *Publications*, vols. I–XIII (1886–99).
Hanserd Knollys Society. *Publications*, vols. I–X (1846–54).
Henry Bradshaw Society. *Publications*, vols. I–XLIV (1891–1913).
Parker Society. *Publications*, vols. I–LIII (1841–55).
Thoresby Society. *Publications*, vol. XXXIV (1936).
Wiltshire Archæological Society. *Tropenell Cartulary* (1908).
Wiltshire Record Society. *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum* (1896).

(ii) *The library lacks the following record volumes of society publications :—*

Anglesey Antiquarian Society. *Anglesey Deeds* (1927).
British Record Society. *Index Library*, vols. XXXV and XLVI (1908–14).
Cumberland and Westmorland Antiquarian Society. *Publications, Record Series*, vols. I–VIII (1897–1935).
English Historical Society. *Publications* (1838–50), 24 vols.
Essex Archæological Society. *Feet of Fines for Essex*, vols. I–III (1899–1936).
Guernsey Historical Society. *Note-book of Pierre Le Roy* (1893).
Halifax Antiquarian Society. *Publications, Record Series*, vols. I–III (1906–17).
Henry Bradshaw Society. *Publications*, vols. XXXVII (1909), XLV→.
Lincolnshire Record Society. *Chronicon Abbatie de Parco Lude* (1891).
London and Middlesex Archæological Society. *Register of Freemen of the City of London* (1908). *Churchwardens' Accounts of Allhallows* (1912).
Manx Society. *Publications*, vols. V, XXII, XXIII (1874).
Parker Society. *Publications*, vols. VI, XVII, XXI, XXIX, XXXI, XXXVIII, XLI, LII (1842–54).
Somerset Record Society. *Publications*, vols. V–VII, XXVII.
Surtees Society. *Publications*, vols. XXV–XXVII, XXXIII, XXXV, XL.
Wiltshire Record Society. *Cartulary of St. Nicholas's Hospital, Salisbury* (1902).

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure for the Year ended October 31, 1938.

Income.

	£	s.	d.	£	s.	d.
Arrears of Subscriptions received	£102	12	0			
Less Amount estimated to be received in last year's Accounts for subscriptions in arrear	35	0	0			
Subscriptions in arrear, received in excess of estimate				67	12	0
Subscriptions now in arrear, estimated to be received				35	0	0
Subscriptions of 1938 :—						
45 at 21s.	47	5	0			
285 at 30s.	427	10	0			
667 at 42s.	1,400	14	0			
				1,875	9	0
Life Subscriptions	89	5	0			
Less Proportion required by By-law IX to be invested (see Balance Sheet)	56	18	0			
				32	7	0
Proceeds from Sale of Publications				68	7	3
Dividends on Investments and Tax recovered				337	18	4
Interest on Deposit Account at Bank				6	8	6
The Sir George W. Prothero Bequest :—						
Dividends and Interest on Investments	686	4	5			
Income Tax recovered	155	8	1			
Royalties	15	1	6			
				856	14	0
				£3,279	16	1

Expenditure.

		£	s.	d.
Establishment Expenses :—				
Rent—96, Cheyne Walk	£216 16 0			
Rent—Warehousing of Stock	18 2 7			
Rates	49 8 8			
Fire Insurance	13 13 11			
Repairs	2 19 4			
Wages	52 0 0			
Extra Service and Cleaning	12 15 3			
Lighting and Heating	28 10 1			
National Insurance	4 18 4			
Workmen's Compensation Insurance	1 12 9			
Monthly Meetings—Refreshments	12 4 11			
		413	1	10
Secretarial and Administrative Expenses :—				
Salary	400 0 0			
Clerk's Salary—(Proportion)	51 10 0			
General Printing and Stationery	108 19 9			
Accountancy and Audit	15 15 0			
Postages	49 11 0			
Telephone	11 11 7			
Sundries	27 11 1			
		664	18	5
Library :—				
Grant		100	0	0
Other Charges :—				
Alexander Medal	3 5 0			
International Congress	15 15 0			
Friends of National Libraries	1 1 0			
British Record Association	1 0 0			
		21	1	0
Publications :—				
Director's Honorarium	162 10 0			
Salary of Assistant Officer	313 9 3			
Clerk's Salary—(Proportion)	100 0 0			
Premium on Pension Fund for Assistant Officer	20 17 7			
Gross's *Sources*, 2nd Instalment	100 0 0			
Grant for Publications £1,300 0 0				
Proceeds from Sales 68 7 3				
	1,368 7 3			
		2,065	4	1
		3,264	5	4
Balance, being excess of Income over Expenditure for the year		15	10	9
		£3,279	16	1

ROYAL HISTORICAL SOCIETY.

II.—Balance Sheet as at October 31, 1938.

Liabilities.			£ s. d.
Life Subscriptions required to be invested as Capital Account (By-law IX) :—			
Amount brought forward from last Balance Sheet	£2,002 14 0		
Add Proportion of Life Subscriptions received in 1938 (see Income and Expenditure Account)	56 18 0		
	2,059 12 0		
Less Amount transferred to General Income and Expenditure Account	84 14 0		1,974 18 0
Lease Renewal Fund :—			
Balance from last Account	898 9 10		
Less Expenditure since, incident to removal	687 13 6		210 16 4
Fund in Aid of Pensions :—			
Balance from last Account			2,706 4 6
Library (Re-organisation) Account :—			
Balance from last Account	54 17 10		
Add Receipts from sale of books withdrawn	63 9 8		
	118 7 6		
Less Purchases and Binding	70 17 5		47 10 1

Assets.			£ s. d.
Investments, viz. :—			
£699 9s. 9d. Consols 2½% valued at £300 Canada 3½% valued at £900 India 3½% valued at } in 1920		£314 0 0 200 0 0 500 0 0	
£879 3s. 6d. Conversion Stock 5% at cost		826 3 1	
£1,220 Conversion Stock 4½% at cost		1,177 2 3	
£2,823 0s. 1d. Conversion Stock 3½% at cost		2,408 18 9	
£465 Local Loans 3% at cost		451 13 11	
£400 Metropolitan Water Board 4½% "D" Stock at cost		470 1 0	
500 National Savings Certificates at cost		400 0 0	
£296 4s. New Zealand 4% Stock, 1943/63, at cost		297 6 10	
			7,045 5 10
(Market value at October 31, 1938, £8,206 0s. 3d.)			
Cash at Bank : Current Account		97 18 0	
Deposit Account		399 16 10	
,, in hand		1 13 1	
			499 7 11

PUBLICATIONS ACCOUNT :—								
Balance from last Account					1,427	11	6	
Add Amount allocated for 1937–38					1,300	0	0	
Proceeds of Sales 1937–38					68	7	3	
					2,795	18	9	
Deduct Expenditure during the year :—								
Camden Third Series—								
Vol. LV			273	3	2			
,, LVI			275	7	6			
,, LVII			278	12	7			
,, LIX			313	3	9			
,, LX			272	11	3			
Transactions, Vol. XX			214	1	11			
Guide to English Commercial Statistics			302	14	8			
Postage and Packing of various Volumes			6	6	1			
			1,936	0	11			
Add Amount owing to Printers, October 31, 1938			494	6	1			
Advance Payments to Editors			36	10	0			
			2,466	17	0			
Less Amount owing to Printers, October 31, 1937			273	3	11			
					2,193	13	1	
							602	5 8
LIBRARY ACCOUNT :—								
Grant for the year					100	0	0	
Less Balance from last Account			11	10	5			
Expended in the year			96	11	1			
					108	1	6	
Amount overspent (see *contra*)					8	1	6	
SUBSCRIPTIONS RECEIVED IN ADVANCE							26	2 0
AMOUNT RESERVED AS DUE TO PRINTERS							494	6 1
Carried forward							£ 6,062	2 8

STOCK OF PUBLICATIONS :—		
As at October 31, 1937	600	0 0
LIBRARY :—		
As at October 31, 1937	1,000	0 0
FURNITURE, ETC. :—		
As at October 31, 1937	300	0 0
LIBRARY ACCOUNT :—		
Amount overdrawn as *per contra*	8	1 6
SUBSCRIPTIONS IN ARREAR estimated to be received (see Income and Expenditure Account)	35	0 0
Carried forward	£9,487	15 3

ROYAL HISTORICAL SOCIETY—(*continued*).

II.—Balance Sheet as at October 31, 1938.

Liabilities.

	£	s.	d.
Brought forward	6,062	2	8
The Sir George W. Prothero Bequest:—			
Balance from last Account . . 22,246 7 11			
Less Loss on realisation of Investments 23 0 7			
	22,223	7	4
"Writings on British History": Production Account:—			
Balance from last Account . . 994 8 5			
Less Expenditure during the year:—			
Subsidies:—			
'1934' 2nd Instalt. . 50 0 0			
'1935' 1st Instalt. . 75 0 0			
Assistant's Salary. . 92 10 0			
Other Charges . . 17 12 2			
235 2 2			
	759	6	3
General Income and Expenditure Account:—			
Balance of accumulated income at October 31, 1937 . . . 3,174 1 4			
Add Amount transferred from Life Subscriptions Account . . 84 14 0			
Add Excess of Income over Expenditure as per Account I . . 15 10 9			
3,274 6 1			
Less Grant for "Bibliography of British History XVIII Century" under Resolution of Council (March 11, 1937) . 100 0 0			
Cost of binding back volumes . . . 407 19 9			
Book value of manuscripts presented to B.M. and P.R.O. . . . 100 0 0			
607 19 9			
	2,666	6	4
	£31,711	2	7

Assets.

	£	s.	d.
Brought forward	9,487	15	3
The Sir George W. Prothero Bequest:—			
Investments—As at October 31, 1937 £22,246 7 11			
Less Realisations 895 7 10			
21,351 0 1			
Add Further Investments . . 872 7 3			
	22,223	7	4
(Market value at October 31, 1938, £20,234 17s. 2d.)			
	£31,711	2	7

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Securities appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and the explanations given to us, and as shown by the books of the Society.

C. RYLAND BEEBY & CO.,
Chartered Accountants, Auditors.

66 Basinghall Street, London, E.C.2.

THE DAVID BERRY TRUST.

Income and Expenditure Account for the year ended October 31, 1938.

Receipts.	£	s.	d.	*Payments.*	£	s.	d.
To Balance in hand, October 31, 1937, brought forward from last Account, viz. :—				By Examiners' Fees	31	10	0
Cash at Bank £273 18 6				,, Printing, Stationery and Postages, etc.	6	4	11
,, in hand 1 17 7				,, Advertising	24	5	6
	275	16	1	,, Prize Money and Gold Medal	60	17	6
,, Dividends on Investments per Charity Commissioners	45	10	6	,, Balance in hand, October 31, 1938, carried forward, viz. :—			
				Cash at Bank £194 18 8			
				,, in hand 3 10 0			
					198	8	8
	£321	6	7		£321	6	7

We have examined the above account and find it correct.

C. Ryland Beeby & Co.,
Chartered Accountants,
Auditors.

66 Basinghall Street,
London, E.C.2.
November 23, 1938.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Directors. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before February 28, 1940.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1938) [1]

1898. F. Hermia Durham (" The Relations of the Crown to Trade under James I ").

1899. W. F. Lord, B.A. (" The Development of Political Parties in the reign of Queen Anne ").

1901. Laura M. Roberts (" The Peace of Lunéville ").

1902. V. B. Redstone (" The Social Condition of England during the Wars of the Roses ").

1903. Rose Graham (" The Intellectual Influence of English Monasticism between the tenth and twelfth centuries ").

1904. Enid W. G. Routh (" The Balance of Power in the Seventeenth Century ").

1905. W. A. P. Mason, M.A. (" The Beginnings of the Cistercian Order ").

1906. Rachel R. Reid, M.A. (" The Rebellion of the Earls, 1569 ").

1908. Kate Hotblack (" The Peace of Paris, 1763 ").

1909. Nellie Nield, M.A. (" The Social and Economic Condition of the Unfree Classes in England in the Twelfth and Thirteenth Centuries ").

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915 and 1916.

1912. H. G. Richardson (" The Parish Clergy of the Fourteenth and Fifteenth Centuries ").
1917. Isobel D. Thornley, B.A. (" The Treason Legislation of 1531–1534 ").
1918. T. Plucknett, B.A. (" The Place of the Council in the Fifteenth Century ").
1919. Edna F. White, M.A. (" The Jurisdiction of the Privy Council under the Tudors ").
1920. J. E. Neale, M.A. (" The Commons Journals of the Tudor Period ").
1922. C. E. Martin (" The English Establishments on the Gold Coast in the Second Half of the Eighteenth Century ").
1923. E. W. Hensman, M.A. (" The Civil War of 1648 in the East Midlands ").
1924. Grace Stretton, B.A. (" Some Aspects of Mediæval Travel ").
1925. F. A. Mace, M.A. (" Devonshire Ports in the Fourteenth and Fifteenth Centuries ").
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